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THE

WORKS

OF THE

MOST REVEREND FATHER IN GOD,

JOHN BRAMHALL, D.D.

SOMETIME LORD ARCHBISHOP OF ARMAGH,
PRIMATE AND METROPOLITAN OF ALL IRELAND.

WITH

A LIFE OF THE AUTHOR,

AND A COLLECTION OF HIS LETTERS.

VOL. III.

OXFORD:
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PREFACE.

THE Editor is happy to find himself at length enabled to publish the third volume of the Works of Archbishop Bramhall; which carries the work forwards to the end of the Second Part of his Discourses. The fourth volume, containing the Third Part, will appear, he hopes, in the course of the next three months. Of the Discourses now published, the first (being the last of the First Part) is employed in defence of the Succession of English Bishops, against the Romanists[a]; and is reprinted, as regards the text, from the original edition of 1658 (Hague, 8vo.), the Advertisement and Postscript prefixed, from a republication of the book in 1659 (London, 8vo.), and of the documents contained in the Appendix, which were added in the folio edition of Bramhall's Works in 1676-7, the first from the original Register, the second from a fac-simile of the original, published by the Cambridge Antiquarian Society (see below p. 210, note a). The remaining three Discourses constitute the Second Part of the collected works, those "against the English Sectaries." The first of them, the Fair Warning against Scottish Dis-

[a] In the Replic. to the Bp. of Chalcedon, vol. ii. p. 246 (Disc. iii. Pt. i.), Bramhall has been guilty of a very unfortunate mistranslation of some words of Camden's, relating to the subject of the tract mentioned above in the text; which was overlooked until that volume was through the press. Camden (Annal. Eliz., P. i. p. 23), in speaking of the changes among the Bishops upon Queen Elizabeth's accession, relates, that three Bishops, Scot, Pates, and Goldwell, "sponte mutarunt *solum*," the fact being, that they fled abroad on account of the Queen's religious measures. Bramhall renders—"changed their *religion* of their own accord;" which is exactly what they did not do. Sir R. Baker (Chron. p. 329, ed. 1674) has precisely the same error in the same words, but as I have not access to an earlier edition of his Chronicle than that of 1674 (the book was first published in 1641), it is not clear whether he or Bramhall originated the error, or indeed whether it did not arise from mere carelessness in both cases. It should be added, that Bramhall wrote the book in question whilst in exile, from notes, and without books, and was therefore unable to correct an error once made.

cipline, of which an account will be found below[b], appeared originally in 1649; when two editions of the tract were published, both in Holland, but without place or name, one in 32, the other in 36 pp. 4to., the former by foreign printers, and full of mis-spellings, and with a particular clause omitted (see p. 280, note m.), the other more correctly and with the omitted clause inserted. The latter of the two was republished at the Hague in 1661, with a new title-page giving Bramhall's name[c], and accompanied by Baillie's answer[d] (a

[b] One Robert Baillie, a Presbyterian minister of some note, was sent with several others to Charles II. at the Hague in 1649, upon the King's murder, to offer him the Scottish crown, "upon condition of his 'good behaviour and strict observation of the Covenant, and of his entertaining no other persons about him than such as were godly men and faithful to that obligation'" (Clarend., Hist. of the Rebell., bk. xii. init.—from the Duke of Argyle's Proclamation of Charles II. in Scotland). There were at the time three distinct parties of Scotsmen at Charles' court, each violently opposed to the other, the high royalists and churchmen headed by Montrose, the Presbyterian "lords of the engagement," who supported kirk and covenant, but stopped short of the extreme measures of Cromwell and the Independents, both in Church and state, led by Hamilton and Lauderdale, and the Commissioners above mentioned, from the Duke of Argyle and the more violent covenanters, who then governed Scotland (Clarend., ibid.). These circumstances, with the following passages from Baillie's Letters and Journals, will explain the history and bearing of Bramhall's tract, which is an uncompromising attack upon Scottish Presbyterianism.—"I am certainly enformed, by a printer, that that infamous person, who goes under the name of Grallator" (i. e. one who walks upon stilts or crutches), "hes a big volume reddy of the late practises of the Scottish Kirk in the exercize of discipline, which ye may think are willingly furnished to him by some banished Scotsmen" (Mr. W. Spang, Baillie's cousin, under the name of W. Anderson, to Baillie, at the Hague, March $\frac{9}{19}$, 1649;—vol. iii. p. 79, of Baillie's Letters and Journals, new edit. in 1841).—"Doctor Bramble of Derrie hes printed the other day at Delph a wicked pamphlet against our Church. We have no time, nor doe we think it fitt, to print ane answer" (Baillie and the other Commissioners to the Committee of Estates in Scotland, April 3, 1649; ibid. p. 87).—"I feare I must engage with Dr. Bramble; for his Warning, it does so much ill to the King and all about him" (same to Mr. Rob. Douglass, Hague, April 17, 1649; ibid. p. 90).—Semper cognovi studium curamque tuam, ut meus contra Doctorem Bramblium jam Belgicè loquentem libellus transferretur etiam Belgicè" (same to Voetius, Sept. 13, 1649; ibid. p. 103). "Bramble," the name here used, appears to have been employed upon all occasions for Bramhall, apparently through a sincerely innocent mis-spelling, by Baillie and his friends; who distort all English names in a manner the most grotesque. Even in the "Charge of the Scottish Commissioners against the Lieutenant of Ireland," Dec. 16, 1640 (in Rushw. vol. iv. p. 770), which was drawn up by Baillie, Strafford is accused of advancing "his chaplain, Dr. *Bramble*" (so spelt in the original paper as published in 1641), "not only to the Bishoprick of Derry, but also to be Vicar General of Ireland;" and in Baillie's letters no other name occurs. So also Sharp, whilst "Solicitor to the Presbytery of Scotland" with Charles II. in 1660, writes to a Mr. Douglas at Edinburgh, June 23, that "all the Bishops for Ireland are nominated, and Dr. *Bramble* is Archbishop of Armagh" (see White Kennett's Reg. and Chron. Eccl. and Civil, p. 186). And see above in vol. i. p. xxx. note t.

[c] i. e. "Dr. John *Bromwell*, Lord Bishop of Londonderie in Ireland."

[d] Review of Dr. Bramble late Bp. of Londonderry, his Fair Warning against the Scotes Disciplin; by R. B. G. (Robert Baylie or Baillie, Glasguensis), 4to. Delph. 1649.

very weak and hasty pamphlet), and a second Fair Warning in reply, by the Rev. Richard Watson[e]; and the three were again published together in London in 1662[f], and Bramhall's tract separately also about the same time[g]; and it had likewise been translated into Dutch in 1649[h]. It is here reprinted from the two original editions, which serve to correct one another. The second Discourse, Serpent-Salve, is of earlier date, being Bramhall's first publication. It was originally printed either at York or Newcastle (for there is no place named in the title-page), in 1643[i], anonymously, whilst Bramhall was with the Marquis (then Earl) of Newcastle and his army, about a year previously to the unfortunate battle of Marston Moor[j]; upon the publication of a Parliamentarian tract, which excited considerable attention at the time, although it was in truth little more than a rechauffée of the more extreme topics of the Parliamentary Declarations and Remonstrances up to the date of its appearance; viz., Observations upon some of His Majesty's late Papers and Expresses (by Henry Parker, but anonymous), printed in 1642 (see below

[e] This tract was written immediately upon the publication of Baillie's, but its publication was delayed until 1651, through the influence of the Prince of Orange. See the Life of Baillie in the new edition of his Letters, &c., p. lxii.; and the Append. num. II., pp. xcvi. xcvii.

[f] So says White Kennett, Register, p. 571.

[g] See above in vol. i. p. xxx. note a.

[h] See the letter of Baillie to Voetius quoted in note b above.

[i] The date in the title-page of the original edition is 1643; and as a rather long discussion occurs in the latter part of the book (below pp. 436—454) concerning Sir John Hotham's conduct in shutting the king out of Hull in April, 1642, in which there occurs no allusion whatever to the decapitation of that unhappy politician by the Parliament, or even his arrest, which last occurred June 29, 1643, the greater part of the book must have been at least written, if not printed, before the last-named date. The same conclusion would follow from the fact, that in the same part of the book (below p. 451) some dates in July 1642 are given with the day of the month only. A book bearing the date of 1644 in its title-page is quoted in p. 473, note k (of the present volume), of which I suppose there must be an earlier edition; unless the date is an anticipation. That Bramhall had certainly published his book before March 20, 1643-4, see above in vol. i. p. xxxi. note c; the text to which must be corrected by the present note.

[j] July 2, 1644. Bramhall quitted Ireland before Aug. 1642, at which time a motion was made by the Irish House of Lords to the Commons for the withdrawal of the charge of treason against him, but in vain (Carte, Life of the Duke of Ormonde, vol. i. p. 372); and joined the Earl of Newcastle before January 1642-3, as he preached a funeral sermon in York Cathedral for Mr. Slingsby, Lord Strafford's secretary, who was slain in a skirmish in the civil war at Gisborough on the 15th of that month (Rushw., vol. v. p. 774; and see Whitelocke's Memor., p. 63). On Feb. 2, also, of the same year, there appeared a "Declaration of the Right Honble. the Earle of Newcastle his Excellency," &c., "in answer to six groundless aspersions cast upon him by the Lord Fairefax in his late warrant" (in Rushw., vol. vi. pp. 133—141), which is manifestly Bramhall's composition.

p. 313, note a). This tract has been also reprinted from the original edition, that of 1643. Of the third Discourse, the Vindication of (Bramhall) himself and the Episcopal Clergy from the Presbyterian charge of Popery, against Baxter, reprinted here from the first (and only separate) edition of it in 1672 (after the author's death), an account will be found below in p. 503, note b, and in vol. i. p. xxxi. A very foolish and violent preface was prefixed to it by Dr. Samuel Parker (by whom it was published), which called forth the satirical powers of the celebrated Andrew Marvell[k]; who, however, treats the author with due respect, notwithstanding his contemptuous indignation against the Prefacer.

It remains to say a few words upon the subject of the first tract in the volume, on which considerable pains have been bestowed, in collecting such evidence as exists relative to the points therein treated. The principal purpose of this tract is to establish *the fact* of the consecration of Archbishop Parker, and the other English Bishops, in the beginning of Queen Elizabeth's reign, A.D. 1559—1561, according to King Edward's Ordinal, in opposition to the absurd fiction of their mock consecration at the Nag's Head in 1559; a subject, it is true, admitting of so little doubt, that it might seem superfluous to add a word to the treatise itself, and to those of Courayer[l] and others upon the same subject, did it not

[k] The Rehearsal Transprosed, or, Animadversions on a late Book entitled a Preface, &c., &c., printed by A. B, for the Assigns of John Calvin and Theodore Beza, &c., Lond. 1672. —in Marvell's Works, vol. ii. pp. 15—30. 4to. Lond. 1777.—Baxter does not stand alone in his accusation of Bramhall. In a letter of Baillie to James Sharp, April 16, 1660 (Letters &c., vol. iii. p. 400), it is observed, that "the leaders of the Episcopal party," and among others "Dr. Bramble," are "most expresse and bitter for all Arminianisme, *for the farre most of Popery, as much as Grotius maintains.*"

[l] I have had occasion to go over the same ground as Courayer, so far as the question of fact is concerned, and to consult a large portion (although not the whole) of the original documents from which he has quoted; and I am able to vouch for the extent and general accuracy of his information, and for the honesty with which he has employed it. That he was misled or mistaken in some though very few instances (see e. g. below p. 35, note d), is not to be wondered at, but I have noticed but one instance in which he has (although obviously without intending it) misrepresented an authority; viz. where, in printing extracts from the endorsements upon two writs of summons, to the Parliaments of 1536 and 1541, in Rymer from the Rolls, in which "T. Menev." has been erroneously written for "W. Menev.," he in his original treatise omitted the erroneous letter altogether; see below at the end of this Preface, note t, and p. 142, note o, and Couray., Diss. Pr. Just. art. vii. § 3, 4, Déf. de la Diss., Pr. Justif. art. xvii. num. 2; and I have failed in tracing only one document quoted by him; viz. one which he describes as, "Transsumptum Veterum Statutorum et Ordinationum Curiæ Metrop. Cantuar. de Archubus London. una cum rescriptis

appear from the publications mentioned below[m], that some Romanists are still willing to burden their cause by adopting or defending an exploded fable. As the case stands, I may be permitted to say, that the result of a tolerably minute examination of the evidence upon the subject, is in few words this:—that if any one is disposed to question the truth of the account given in the Lambeth Register, he must be prepared to assert the forgery, not only of that Register itself,—and the first volume of Archbishop Parker's Register, which is the volume in question, consists of 411 pages, containing a mass of circumstantial entries upon a great variety of subjects[n],—but of the Registers also of the several

et constitutionibus plurium Archiepiscoporum Cantuar. super contingentibus in eâdem curiâ, &c., from Abp. Winchelsea in 1294, to Abp. Parker. See below p. 85, note f, § 8, and Couray., Déf. de la Diss., liv. iii. c. 1. § 4.—It would have been astonishing, indeed, with such resources at his disposal as Abp. Wake could command (and among those who aided him through the Archbishop was the antiquary Thos. Baker, as appears by a MS. note in the latter's handwriting at the end of vol. ii. of his copy of Courayer's book, now in St. John's Coll. library at Cambridge), if his information had not been both accurate and extensive.

[m] The Validity of Anglican Ordinations Examined, or, a Review of certain Facts regarding the Consecration of Matthew Parker, first Protestant Archbishop of Canterbury, by the Very Rev. Peter Richard Kenrick, V. G., Philadelph. 1841, 8vo.;—a very poor production, whether for facts or arguments, but far superior to a miserable pamphlet, borrowed in part from it, by the Rev. H. Smith, entitled, The Ordination of the Ministers of the Established Church examined upon Protestant principles and Protestant testimonies, and found to be merely a Commission from the Crown without any right or title to Apostolical succession, published in London, 1841. It appears from the former (c. ix. pp. 114—118), that Dr. Lingard was called upon by a correspondent of the "Birmingham Catholic Magazine" to prove his statement relative to the Nag's Head fable (see below p. 40, note f); upon which he addressed a letter to that Magazine in 1834, reprinted in Kenrick, wherein he repeated his assertion of Parker's actual consecration as recorded in the Register, and proved it at length by very indisputable arguments. In reference to the subject of the same note, and to the question generally, how far Anglican ordinations have been acknowledged or condemned by Romanists (see below p. 114. note g), another authority has been kindly pointed out to me in addition to those quoted in the notes just cited; that of Cardinal de Noailles, who expressly waved the point of the validity or invalidity of our orders, when passing sentence upon Courayer in 1727: see the quotations from the documents themselves in Courayer's Relation des Sentimens et de la Conduite du P. le Courayer, c. xiv. pp. 269, 270. 8vo. Amst. 1729.

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Sees and Chapters throughout the kingdom for the period referred to (so far as they are preserved or as it has been found possible to consult them)[o],—of many pages of entries in the Registers of the Prerogative Court of Canterbury,—of thirty or forty documents in the Rolls[p]—of a mass of con-

court, and Anthony Huse himself to Sir W. Paget and Sir W. Petre, the two Secretaries of State, Aug. 4, 1545), —ii. that Dean Wotton (for whom see Dugdale's Baronage, vol. iii. p. 413) dates two letters to Cecil, Aug. 18 and 19, 1559, from London and Hampton Court respectively (also in State Paper Office), which, with the evidence in p. 187. note m below, prove him (after having returned to England from France in June only) to have certainly been so near as London in the interval between his two appearances at Canterbury (accord. to the Register), Aug. 3 (below p. 182, l. 3), and Aug. 31 (below p. 186, l. 7, from the bottom of the page).—I may mention also, that Browne in his sermon (see p. 210, note a), p. 57. margin, speaks of the "originale Inthronizationis instrumentum" of Abp. Parker (see below pp. 210, note c, and 216), as then (in 1687) preserved "in Bibliothecâ Coll. C.C., a tergo inscriptam habens hanc vocem INSTALLATION Archiepiscopi ipsius manu." I could not however find it there, nor is it mentioned in Nasmith's Catalogue of Parker's MSS. in C. C. C. library.

[o] The Registers, both of the Bishop and of the Chapter, at Winchester, Exeter, and Lincoln, and the Episcopal Registers at London, have been consulted for me;—those of Ely, Bangor, St. Asaph, St. David's (and I believe York, Durham, Chester, and Carlisle), are no longer in existence for the precise period required;—those of Salisbury, Chichester, Hereford, and Worcester, were consulted for Courayer, from whom I have taken my information respecting them; and a few isolated facts relating to the other sees, have been borrowed from different printed sources, county histories, and books of the kind. The information from the Norwich Registers for the period, which do not now exist, is supplied by Blomefield in his Hist. of Norfolk: and other facts have been gathered from Wharton, Browne Willis, Godwin (in Richardson's edition), Newcourt, and Le Neve. I must take this opportunity of requesting the reader's indulgence for errors, many of which I fear must have escaped notice among such a number of figures and petty details as are requisite to make out a case like the present; and of adding, that wherever a discrepancy has been detected between printed authorities among themselves or as compared with original documents, I have always intended and I believe generally remembered to notice it. The following have been omitted:—p. 222. num. xii. col. iii.; for Dec. 27, the date in Rymer and in Parker's Register, Browne Willis gives Dec. 26;—p. 227. num. xxii. col. iv.; according to Drake, Ebor., p. 454, Young was elected to the see of York *Feb.* 3, 1560;—p. 232. See of Bristol; for Dec. 8, 1558, the date in the original Register, Wharton (Specimen, p. 156) gives Dec. 18. It may seem over minute to notice obvious mistakes or misprints; but the truth is, that nine-tenths of the reasoning (so to call it) of Le Quien and others in defence of their case, relies upon nothing else but the misprints and mistakes of Stow, Godwin, and others.

[p] With reference to these documents, I am assured upon the highest authority on the subject, Sir Francis Palgrave's, that the circumstance of the words "*per ipsam Reginam*," &c., being added or not to a document as entered upon the Rolls (a point upon which half of Mr. Kenrick's arguments are built) is a "mere matter of official form, which makes no manner of difference in the validity of the document;" and consequently is no evidence for or against its genuineness.—The letter of Sir N. Bacon to Abp. Parker, in reference to one of these writs, viz. the first significavit for the latter's confirmation and consecration to the see of Canterbury, which is referred to in p. 179. note p, and preserved in C.C.C. library, Cambridge, is *verbatim et literatim* as follows:—"I send y^r^ grace ye Royall Assent sealyd and delyveryd w^t^in" [within] "to howrs aft^r^ ye reseypt theroff wysshyng unto yo^u^ as good success therin as eu^r^ happyd to eny y^t^ have receyvyd ye lyke and as to ye p'longyng of my ret^n^ y^t^ fares by me as

temporary letters and other documents preserved in the library of Corpus Christi College, Cambridge, with the existence of which Mason, an Oxonian (who is the person accused, most absurdly, of forging the Register in 1613), was unacquainted,—of other also contemporary documents preserved in the State Paper Office, likewise unknown to Mason, —of others (which are by themselves enough to prove the case) preserved at Zurich, and unknown in England until 1685, seventy-two years after Mason's book was published, —of Archbishop Parker's book De Antiquitate Britannicæ Ecclesiæ as privately printed by him in 1572, a work, of which twenty-two copies were known to exist (out of fifty originally printed) in 1724[q],—of a Puritan translation of a Life of Parker (the original of which is in C.C.C. library, Cambridge), containing a table of the consecrations in question, according mainly with the Register[r], and printed in 1574, of which several copies exist,—of pp. 1490, 1491, in the middle of vol. iii. of Holinshead's Chronicle as first published in 1586,—and, lastly, of at least three other printed authorities, prior to 1613 (see below pp. 97-101. notes k, m, u);—all of which evidences are independent of each other, bear no signs whatever of want of genuineness, and tally to a very minute degree of accuracy:—and he must be prepared to do this, upon the testimony of two, or at the most three, obscure controversialists, the earliest forty-four years after the event, writing in foreign countries, and avowedly upon mere hearsay, whose evidence is in itself rendered absolutely unworthy of credit by the undisguised virulence and palpable ignorance of the writings in which it

it doothe by ye byrd y^t^ hathe skapyd out of ye cage, wh^ch^ tastyng ye swettnes of lyberte neu^r^ returnes unforcyd. Thus w^t^ thanks for yor lett^r^ I leaue eny further to tro'le yo^u^ fro. Redgr^a^e 7th Septembre 1559 by—yor graces assurydly N. Baco^n^." — in C.C.C.C. MSS. vol. 114. p. 125. The writ itself also is dated from Redgrave (see below pp. 72, 73), where Queen Elizabeth appears to have been paying a visit to Bacon, and on Sept. 9, i. e. two days after the above letter; it was therefore post-dated by that period; which was not at all an improbable step under the circumstances, in order to allow the full period of twenty days, without the possibility of cavil, as granted by the statute (25 Hen. VIII. c. 20), for the Bishops to whom the writ was addressed to comply with it.

[q] See below p. 11. note c; and a MS. note in the handwriting of Thomas Baker, the Antiquary, at the foot of p. cxix. tom. iv. of his copy of Courayer's Déf. de la Diss. (now in St. John's Coll. library, Cambridge), as an addition to Drake's list of owners of copies of the De Ant. B. E. ed. 1572; thus— "22. Sir Tho. Coke, noted thus in marg: *ex dono Joh: Parker Militis. Edw. Coke.*"

[r] See below p. 229. note f.

is found. Such is in brief the balance of testimony, upon which he must be prepared to surrender a consistent, probable, and rational narrative, and to adopt in its stead a supposition at once incongruous, improbable, and absurd.

Upon this part of the subject, it would indeed be a waste of words to add another syllable to the arguments of Bramhall, Browne, and Courayer; and I have only to refer the reader to the ensuing tract with the notes and appendix, as bearing out to the letter the above statement. Another point, however, viz. the consecration of the consecrators of Archbishop Parker, requires to be made out, in order to complete the historical portion of the case; and upon this part of the subject (inasmuch as evidence exists relative to it, with which neither Bramhall, nor Browne, nor Courayer, were acquainted), something must be said at greater length. The Bishops named in the second and final commission to consecrate Parker were seven in number; the actual consecrators were four, viz., Barlow, Hodgkins, Scory, and Coverdale. But Hodgkins's consecration (for which see below p. 76, notes f, h, and Cranmer's Register, fol. 204, and Couray., Déf. de la Diss., Pr. Just. art. vii. § 5) has never, as far as I am aware, been disputed. To take the others then in order; and 1. of Barlow. A reference to pp. 138, note d, and 226-228, of the present volume, will explain the state of the case as regards the evidence for the consecration of this Bishop, which is briefly this:—that he held four Bishoprics successively (with a few years' interval in the reign of Queen Mary) from 1536 up to his death in 1568, during which period and until 1616—80 years after his consecration, and 48 after his death—he acted, and was regarded, as a consecrated Bishop, without the slightest semblance of doubt as to the fact, either on his own part, or on that of any one else whatsoever, in whatever position, of whatever creed, or with whatever personal feelings towards him, although he was a prominent controversialist, and changed sides more than once, and had many bitter enemies; and this at a time, when the law of Church and state, and (what is of perhaps more importance in a question of evidence) the public opinion of by far the larger portion of the nation, were imperative in requiring consecration; when it was a simple matter of course to administer

the rite, so that its performance must be assumed until disproved; and when the penalty of even its delay by the Archbishop beyond a fixed limit, was the forfeiture of all his temporalties to the Crown;—for these facts there is no lack of evidence;—that in 1616 a doubt was for the first time started upon the subject of his consecration, grounded, either by its original proposer or by those who have followed him, upon one or other of four assertions,—i. that Barlow was in Scotland in the early part of 1536, when if at all he was consecrated,—ii. that while the record of his confirmations to the sees of St. Asaph Feb. 23, 1535-6, and St. David's April 21, 1536, are given in Cranmer's Archiepiscopal Register, that of consecration to either see is wanting,—iii. that Cranmer and Barlow are known to have held consecration an unimportant ceremony,—and iv. (what is not the fact) that other persons at the same period acted as Bishops and held sees without consecration. Now it is plain from this statement, that the burden of proof lies upon those who assail Barlow's consecration; it is morally certain that he was consecrated, unless the presumptions alleged to the contrary be both true in themselves and sufficient for their purpose; and an exact account of the circumstances of the case, for which materials fortunately exist, will I think shew, that every one of the above topics, when reduced to the truth, is either nugatory, or if of any force at all, tells, not against, but for, the fact, that it is alleged to disprove. The case stands precisely thus.—"William Barlow, *Prior of Bisham*" (so styled in his credentials[s]), was sent as ambassador into Scotland with Lord Robert Howard early in 1536[s] (new style), was confirmed Bishop of St. Asaph Feb. 23, 1536 (n. s.) *by proxy* (Reg. Cranm.), without any mention of consecration in the Register, and writes from Scotland early in March under the signature of "*William Barlo*[s]." Obviously, then, he had started for Scotland previously to even his election to the see of St. Asaph (Feb. 16, 1536. n. s.), and had not been consecrated in March. He returned to England before April 14[s], and continued there until after April 25[s]; was confirmed in the see of St. David's

[s] These facts are proved by Barlow's own letters now published. See below p. 141. note m.

April 21, *in person*, in Bow Church (Reg. Cranm.), the record (as had been the case before) closing with a certificate of confirmation *only*, and making no allusion whatever to consecration: he returned to Scotland some days before May 13[s], continued there until May 25, signing himself now "*Will'mus Menev*[s].", left Scotland immediately after the 25th for the English Court[s], and was installed in Parliament as Bishop of St. David's June 30 (Lords' Journals). It follows, that his consecration must have taken place, if at all, either in April previously to the 21st, to the see of St. Asaph, or after the 21st of April and before the 6th or 7th of May, or again in June previously to the 30th, to the see of St. David's; within each of which periods, as appears above, he is known to have been either in or near London. But to the first of these periods there is an insuperable objection, viz., that the records of his successor's consecration &c. to the see of St. Asaph invariably speak of Barlow as having been simply "*electus*" to that see; and although those of his own confirmation to St. David's drop the term, yet the insertion in the one case excludes, and the omission in the other does not imply, his consecration[t]; and to the second period there is likewise an objection, viz. that whatever obstacle impeded his consecration on April 21, on which day the Register *proves* that he was *not* consecrated, would probably continue to impede it April 23, 25, and 30, and May 1 (the first and third, Sundays in 1536, and the second and fourth Saints' days), while on May 7, the only remaining day for the purpose, he could scarcely have been in England[u]: and the case is decided against both periods by the fact, that in his precedence in Parliament and Convocation he took place between two Bishops consecrated respectively June 11 and July 2, the former of whom therefore was consecrated either before or at least with him (see

[s] See Barlow's Letters, as cited below, p. 141. note m.

[t] There is other evidence also, that Barlow was never Bishop of St. Asaph. See below p. 139. note c. § 2. end.

[u] It may be objected, that as he signed himself only "*William Barlow*" when confirmed to St. Asaph, it does not appear why he should sign himself "*Will'mus Menev.*" (as he does e. g. April 25), if only confirmed then to St. David's. But the first confirmation was performed when he was absent in Scotland, at the second he was present; and nothing can be more natural, than that he should be more disposed by the latter than by the former to assume his Episcopal title, although equally without a strict right to it in either case.

below p. 142. note p). It remains, then, that his consecration should have taken place between June 11 (or thereabouts) and June 30. There are difficulties in the way of any prior date, and a later date is of course out of the question. To look then to other evidence.—It appears from Cranmer's Register, that there were between Jan. 1, and so late as Oct. 20, 1536 (n. s.), three consecrations, and three only, of five Bishops altogether, in the Province of Canterbury; and from other sources, that the consecrations of two other Bishops but no more (including Barlow) ought to have been recorded during the same period and are not; and from the (unvarying) order of precedence in Parliament and Convocation, as has been just hinted, that the consecration of one of these two, Sampson of Chichester, should precede in order, and that of the other, viz. Barlow, should follow, the consecration of Reppis, Bp. of Norwich, which took place on June 11, 1536; the order of consecrations as far as they are recorded, and of precedence as far as it extends (for the three first named Bishops in the following list were not Peers of Parliament or members of the English Convocation), being as follows:—

	Date of Consecration.
Brown—to the Abpric. of Dublin .	March 19, 1536 n. s.
Manning—to the suffragan See of Ipswich	
Salisbury—to the suffragan See of Thetford	
[Sampson—to the See of Chichester.]	
Reppis—to the See of Norwich . .	June 11, 1536.
[Barlow—to the See of St. David's.]	
Wharton—to the See of St. Asaph . .	July 2, 1536.

It appears, further, that Bp. Sampson was elected June 3, upon a Congé d'Eslire dated May 29, and confirmed June 10 (being a Saturday); and that the mandate to the Archbishop relating to him, which is merely a general one—"*ut quod vestrum est in hâc parte exequamini*,"—is dated June 11[v].

[v] The above is from Cranmer's Register, fol. 189. a.—192. b. The last date, June 11, which is not very plain in the Register, is the date also given in the Rolls (Rym., xiv. 570). There was very probably a separate mandate for confirmation, which has not been enrolled; as there were frequently two mandates of the kind at the time, and in one case (Bonner's, who was consecrated to the see of London some months after his confirmation in that see), no fewer than three. As is mentioned above, there is no specific reference in the document which is enrolled, to confirmation.—Wharton also conjectures (notes to Strype, Cranmer, vol. ii. p. 1045), that Sampson was consecrated June 11. Godwin says June 9, which was a Friday, and this even in the later

It would seem to follow, that the business relating to his admission to his see was hurried over, in order that he might be consecrated with Reppis on the 11th of June; of whom, by seniority probably, he took precedence. Prior, then, to the 11th of June, no consecration appears to have taken place in the year 1536, unless on March 19; at which time, as it appears, Barlow was certainly in Scotland: and if it is asked, why, when Barlow did pay a visit to London in the month of April, his consecration, if he was still unconsecrated, was then left unperformed, it is a sufficient answer, that the Parliament, although summoned April 27, did not meet until June 8, 1536 (Journals), and therefore it is very probable, that there was not a sufficient number of Bishops near town to join in a consecration in the month of April. On June 11, however, there was a consecration, and at Lambeth, by the Archbishop of Canterbury and the Bishops of Exeter and Bath and Wells[w], viz. of Reppis certainly and of Sampson probably; and on June 11, Barlow was certainly in the neighbourhood of London, and almost certainly (up to that time) unconsecrated, while on June 30 he takes his place as a consecrated Bishop in the House of Lords, next in order to the two Bishops just named, and prior to Bp. Wharton of St.

editions of his book; of course by a mere blunder. And Richardson gives June 11, as if on the authority of the Register; which is an error also; inasmuch as the Register breaks off with the Sententia Definitiva of Sampson's Confirmation, thus neither excluding consecration at that time (as do both the records of Barlow's confirmations), nor implying it. The writ of Restitution of Temporalties for Sampson, dated July 4, 1536, and reciting consecration, is in Rymer, xiv. 573.—It may be added, that Barlow was only 37 years old in 1536 (see below p. 227), and therefore in all probability junior to both Sampson and Reppis; which would account for his taking rank after them, on the supposition that the three were consecrated on the same day.

[w] This is the date, and place, &c., given by the certificate from the Archbishop to the King, and by the Archbishop's general certificate (both on the same day), of both confirmation and consecration. There is no formal record of Reppis' consecration in the Register, but merely these certificates of it.—Of other evidence for it, there are the Congé d'Eslire May 25, 1536 (Rymer, xiv. 569, agreeing with the Register), received May 27, and the election May 31, 1536 (Reg. Cranm.), the Royal Assent June 9, 1536 (Ibid.), the confirmation (Ibid.), not dated but necessarily June 10 (scil. with Sampson), as it must have followed the last mentioned writ and preceded consecration, and the Restit. of Temporalties, reciting consecration, July 19, 1536 (Rymer, xiv. 573). Wharton (Notes to Strype, Cranmer, vol. ii. p. 1545), and Le Neve from him, have apparently confounded Reppis with Wharton; as they have assigned June 26 and July 2 for Reppis' confirmation and consecration, June 28 and July 2 being the dates of those acts respectively in Wharton's case.

Asaph, who shortly followed him, and was consecrated July 2. Under these circumstances, the conclusion is scarcely to be avoided, that he actually was consecrated on the 11th of June.—But it will be said, if so, why was not his consecration registered? An inspection of Cranmer's Register supplies the answer,—through the carelessness of the Registrar. The omission would be a conclusive objection during Parker's primacy, when the Register was kept with peculiar care; it is absolutely none at all during Cranmer's, when it was kept with equal carelessness. For how stand the facts? There are recorded in Cranmer's Register, during his primacy of twenty years or thereabouts (1533—1553), the confirmations and consecrations of thirty-six (including those of Reppis), and the confirmations upon translation (leaving Barlow out of the question) of eight, Bishops, and the mandate of the Archdeacon of Canterbury to enthrone in the case of two other translations in 1550 (subsequently to Edward the Sixth's statute abolishing election and confirmation); and there are omitted in the same Register and period the confirmations prior to the statute (just referred to) in 1547 of two[x], and the mandates subsequently to that date for three[y], and the consecrations of no less than eight, Bishops (exclusive of Barlow)[z], being something more than a fourth of the whole number of actual entries; and in the cases of four[a] of the last-named eight the confirmations are recorded but nothing more, and of a fifth[b] one page and a half at the com-

[x] Viz., Bird, translated from Bangor to Chester in 1541;—which is mentioned in the record of his successor's consecration to Bangor (Bulkeley, Feb. 19, 1541-2); Bird's consecration, and his former translation from Penreth to Bangor, are in the Register:—and King, translated from Thevnen or Boven to Oxford in 1542; who is not mentioned in the Register at all.

[y] Viz. Barlow himself, translated from St. David's to Bath and Wells in 1548 (mentioned in the entry of consecration for Farrer his successor);—Poynet, from Rochester to Winchester in 1551 (mentioned in the entry of the vacancy of the see—Reg. fol. 121. a, and in that of Scory's consecration, who succeeded him);—and Scory, from Rochester to Chichester in 1552 (referred to in the entry of the vacancy of the see—Reg. fol. 134. a).

[z] Viz., Fox, Hereford, 1535—Latimer, Worcester, 1535—Hilsey, Rochester, 1535—Sampson, Chichester, 1536—King, Thevnen or Boven (a suffragan see), 1539—Bell, Worcester, 1539—Skyp, Hereford, 1539—Day, Chichester, 1543.

[a] Fox, Sampson, Skyp, Day. The record ends in none of these cases, as it does in Barlow's in both his confirmations, with a certificate of confirmation *only* (thus excluding consecration *prior to the date of the certificate*, if it be confirmation to a *first* see), but merely breaks off with the definitive sentence of confirmation.

[b] Bell.—in Reg. Cranm. fol. 224. b, 225. a;—from 225. a to 228. b. being left blank.

mencement of the record of confirmation, breaking off in the middle of a page and of a sentence, and of three more[c] no documents whatsoever; while the consecrations of three of the eight—two whose confirmations are recorded, and one who is not mentioned at all—are known to be recorded in the Diocesan Registers, which last in Barlow's case do not exist[d]; and of those of the other five (of which four, for ought that has yet appeared, may be recorded also in the respective Diocesan Registers—the fifth was to a suffragan see) there can be, as will be seen below, no reasonable doubt. Further, at the very time when I have supposed Barlow to have been consecrated, the consecrations of three Bishops ought to be recorded (according to what has been said above), viz. Sampson, Reppis, and Barlow; of these, the confirmation only of the first is entered (fol. 189. a—192. b), and the record of consecration, which

[c] Latimer, Hilsey, and King.

[d] The three are Fox (consecrated Sept. 26, 1535, which was a Sunday, by the Archbishop of Canterbury and the Bishops of Winchester and Sarum, i. e. Cranmer, Gardiner, and Shaxton, in Winchester Cathedral,—Reg. Fox. Hereford, ad fin. Reg. Booth, ap. Richardson, notes to Godwin), Skyp (consecrated Nov. 23, 1539, which was a Sunday, by "Thom. Cantuar., assistentibus *Rich.* Menev. et Rich. Dover. Episc. Suff.," i. e. Cranmer, (as it should seem) Barlow himself, and Ingworth;—from Wharton's MSS. at Lambeth, who took it from Skyp's own Register at Hereford, but I have omitted to mark the reference to Wharton and cannot consult the Register, so as to determine whether the mistake of *Rich.* for *Will'mus*, is my own or Wharton's or the original Registrar's; Le Neve and Browne Willis quote the Register also for the date and place, but omit the consecrators' names), and Hilsey (consecrated at "Venchestre Winton. Dioc. Sept. 18, 1535,"—Reg. Hilsey Roffens., ap. Richardson, notes to Godwin; who has I conclude mistaken Sept. 18, which was a Saturday in 1535, for Sept. 19). Very possibly the same information may still exist for the other four diocesan Bishops named in note z, viz. Latimer and Bell of Worcester, and Sampson and Day of Chichester. But I have been unable to consult the Registers in either diocese.—Of other evidence for the three above named, there are for Fox, the Royal Assent Sept. 2, 1535 (Rymer, xiv. 552, corresponding with the Register), the Restit. of Temporalties Oct. 4, 1535 (Rymer, ibid.), the Congé d'Eslire Aug. 20, Election Aug. 25, and Confirmation Sept. 15, 1535 (Reg. Cranm.), the last misdated by Percival Sept. 26;—for Skyp, the Congé d'Eslire, Oct. 13, 1539 (Rymer xiv. 646, agreeing with the Register), Election Oct. 24, 1539 (Reg. Cranm.), Royal Assent Nov. 7, 1539 (R., ibid.), Significavit Nov. 8, 1539 (R., ibid. 647, agreeing with the Register), Confirmation Nov. 20, 1539 (Reg. Cranm.), Restit. of Temporalties, reciting consecration, Nov. 28, 1539 (R., ibid. 651), Licence to hold an Archdeaconry with his see Nov. 9, 1539 (ibid. 648), Inthronization Dec. 6, 1539 (Reg. ipsius, in Le Neve and Browne Willis);—for Hilsey, whose death is mentioned (i. e. as of John Bp. of Rochester) in the record of his successor Heath's consecration April 4, 1540 (Reg. Cranm. fol. 255. a), the writ of Restit. of Temporalties, reciting consecration, and dated Oct. 4, 1535, in Rymer, xiv. 553; he is mentioned also, as Joh. Roffens., in the similar writ for Abp. Brown of Dublin (R. xiv. 561), dated March 23, 1535-6; and in the entry of the same Archbishop's consecration in Reg. Cranm., March 19, 1535-6, and of nine others at different dates, at which he assisted.

in his case took place (almost certainly) the very next day after his confirmation, is omitted; the entry relating to the second is neither regular nor in its place, being postponed (as is also the record of Barlow's confirmation to St. David's, which it immediately follows) until after the consecrations of 1537, viz. to fol. 208. a—212. b, while the regular entry of consecration is entirely omitted, and the record closes with the Archbishop's certificates of both confirmation and consecration, in which (unusually) the particulars of the consecration are given at length. What argument can possibly be founded, under these circumstances, upon the omission to register the consecration of the third? An omission, it is to be remembered, not of a second part of a document of which the first part stands correctly in the Register (which would be the case, had he been consecrated and confirmed at the same time, and which is the case with others, undoubtedly consecrated), but of a short and distinct entry, relating to an act certainly differing in date from both his confirmations, and probably above seven weeks subsequent to the latter of them[e]. It is plain, that from an omission of this kind, in a book kept so carelessly and so irregularly, and known to omit consecrations which are proved to have taken place, no negative conclusion whatever can be drawn. Such a Register is good evidence for what it contains; it is no evidence at all against that which it simply omits. Upon the whole, then, as the case stands, the Register by recording Barlow's confirmations affords an undeniable presumption (not against but) for his consecration also: and the supposition that he really was consecrated on June 11, in itself

[e] The entries in Cranmer's Register relating to Bonner (in 1539-1540) are (with one exception) *an exact parallel* to those relating to Barlow, the former as well as the latter having been confirmed in two sees successively, and consecrated only to the second, and that more than four months subsequently to his second confirmation, absence on a foreign embassy being in each case the cause both of the promotion and of the delay of consecration, and the entries of both confirmations in each case closing with a certificate of confirmation *only*. See below, p. 141. note l. The important exception is, that Bonner's consecration is entered in the Register (but is a distinct and short document, and 12 pages after the entry of his second confirmation); while Barlow's consecration is not entered at all. Now in an exceedingly accurate Register this might afford something of a presumption, that Barlow was not consecrated. In one exceedingly inaccurate, it affords a strong presumption the other way; because it increases the probability, both that the rite was performed, and that the Registrar should omit to enter it. The parallel of the facts renders the first more likely. The nature of the missing entry is equally favourable to the second.

(date apart) a fact to be taken for granted unless disproved, appears to be not only perfectly consistent with every existing document connected with the subject, so that no difficulty lies in the way of admitting its truth; but on the contrary to be required to explain the existing evidence, so that insuperable difficulties arise, should we suppose the case to have been otherwise.—But the whole argument is not yet disposed of. It is added,—supposing we allow all specific objections to the evidence to fail, what becomes of the antecedent presumptions against its probability above mentioned? So far, it will be said, the argument has proceeded upon the assumptions, first, that there is nothing known of Barlow individually to render *his* consecration in particular unlikely, and secondly, that the other Bishops whose consecrations are unregistered, were nevertheless actually consecrated; whereas both these points are themselves also disputed. For it is asserted, first, that both Cranmer and Barlow held consecration to be a useless ceremony. It is to be feared, that something like such a doctrine may be fixed more or less definitely upon both: not indeed, let it be observed, that they entertained the slightest positive objection to the rite, but that they did not hold a very strong opinion of its necessity. Now what is the inference sought to be drawn from this? That in order to avoid a thing indifferent, they ran the risk of a legal forfeiture, the one of his Archbishopric in *esse*, the other of his Bishopric in *futuro*, and this by defying the commands and breaking the laws of a king like Henry the Eighth. Surely no man ruins himself for nothing. Not to add, that neither Cranmer's opinions, nor Barlow's, could by possibility have had any influence of the kind upon their conduct; inasmuch as the former did at this very time certainly consecrate one Bishop, Reppis, and continued to do so throughout his primacy, and to the extent even of enforcing the rite in one case, viz. Hooper's in 1550, where (on account of the vestments but for no other reason) it was refused; while the latter assisted in consecrating one (if not two) Bishops, in 1539 and 1541. Unhappily, moreover, Barlow's history proves him to have been a very unlikely person to object upon religious scruples (even had he entertained them) to a step which was to

secure him in a Bishopric. But, further, it is said, that other persons at the same period held sees and were treated as Bishops although not consecrated[f]; and this is supported by the assertion, that the Bishops whose consecrations are not registered, are precisely those, who from their opinions are likely to have not been consecrated. The inference intended falls to the ground, because the assertions on which it rests, are without foundation. First, no English Bishop whatever, as far as I am aware, is known to have objected to consecration in itself: and none besides Cranmer and Barlow to have thought slightly of its importance (see Collier, Ch. Hist., Records num. xlix). Nor does the objection relative to the vestments apply to any of the Bishops whose consecration-record is missing. Next, there is no evidence whatever, that any person at any time acted in England as a consecrated Bishop without consecration. The utmost that can be said, is, that the *ordinary, direct, and legal* evidence of consecration in England has been found upon examination to be wanting in some few cases (extending over Warham's primacy as well as Cranmer's); cases so few, that merely negative evidence is worth nothing to establish them as exceptions to a rule otherwise undoubtedly universal; and applying to persons, whose opinions upon the religious questions of the day varied so widely, as to afford no explanation of the common omission. But this is not the whole case. For—to come to particulars—the record of consecration in the *Archiepiscopal* Register is wanting for six (out of twenty-six) Bishops consecrated during Warham's primacy (1503—1533)[g]; it is wanting also in eight instances (exclusive of

[f] Of course those who bring the objection, mean, by the words "not consecrated," to imply the absence of consecration according to the established ordinal of the period, inasmuch as the objection relates (not to the sufficiency of the ordinal but) to the fact of its being used. However all the exceptions here noticed occurred a considerable time before the introduction of any change in the English form of consecration.

[g] Blythe, Lichf. and Coventry, 1503 (Sept. 20, according to Wharton, ap. Le Neve)—Penny, Bangor, 1504—Stanley, Ely, 1506—Stokesley, London, 1530 (Nov. 27, according to Le Neve)—Gardiner, Winton, 1531—and, lastly, Clerk, Bath and Wells, 1523, for whom the Papal Bull and the oath of canonical obedience are entered, but not the consecration. The last entry upon the subject relates to Cardinal Campegio, who held the see of Sarum in commendam from 1524.—I have examined only one of the cases omitted, and there is an entry of this in the Diocesan Register: viz. Gardiner's, whose register at Winchester records his consecration as having taken place Dec. 3, and his inthronization Dec. 6, 1531; while a commission to consecrate him, dated Nov. 27, 1531, is quoted by Abp. Wake (fragm. of a letter, in the Pr.

Barlow) during Cranmer's primacy (1533-1553), as has been said above; and in one or possibly two instances during the vacancy between Cranmer and Pole. Now in the cases during Warham's primacy there can of course be no doubt of consecration having actually taken place. It is useless, therefore, to enter into longer details concerning them than may be found below in the note (g); further than to say, that in one of the number (Gardiner's), and possibly more, the consecration is certainly entered in the Diocesan Register. Only let it be observed, first, that the omissions in the Registers apply to Bishops who did not, as well as to those who did, hold Reforming opinions; and, secondly, that not only the *entire* omission of *all* entry but the insertion also of a *partial* entry relative to a consecration is thus shewn to be no evidence against the fact of consecration itself. Nor will there be any doubt in the case of the one[h] (or two) omitted during the vacancy between Cranmer and Pole; one of whom (Goldwell, made Bp. of St. Asaph in 1554) was very probably consecrated at Rome, while of the other (Pates, Bp. of Worcester) there is so much doubt as to the time when he was consecrated to the see, that his case can be of no weight in the question in either direction. To confine the question then to the omissions in Cranmer's Register. These are of

Just. to Courayer's Dissertation) from the Archiepiscopal Register. Richardson says, on the authority of "MS. Lowth *e Regist. Cantuar.*," that Gardiner was consecrated to Winchester Nov. 27, 1531, which (as he rightly adds) was not a Sunday; and the mistake is explained by what has been just said. Godwin gives merely the year, 1534; which is simply a mistake. His temporalties were restored Dec. 5, 1531 (Rymer, xiv. 429).

[h] Goldwell, St. Asaph, 1554; and Pates, Worcester, 1555. The latter is said to have been appointed to the see in 1534 upon the deprivation of Jerome de Ghinucci (see Godwin); but there is not the slightest evidence of his having been then consecrated, and Ghinucci's successor in the see was certainly Latimer (see the latter's writ of Restit. of Temp., Rym. xiv. 552). The temporalties of Worcester were delivered to Pates March 5, 1555 (R. xv. 415).—The others during this interval were—White, Lincoln,—Bourne, Bath and Wells,—Griffith, Rochester,—Cotes, Chester,—Morgan, St. David's,—Brook, Gloucester,—consecrated together in St. Saviour's, Southwark, April 1, 1554;—Hopton, Norwich, consecrated in London in the Chapel of the Bishop of London Oct. 28 (25, according to Wood, Ath. Oxon.), 1554;—Holiman, Bristol,—Bayne, Litchfield and Coventry,—consecrated together in the same place, Nov. 18, 1554;—Turberville, Exeter,—Glynne, Bangor,—consecrated together in the same place, Sept. 8, 1555. Percival (On the Apostol. Success., Append. pp. 191, 192) attempts to found an argument upon the supposed omission to record these consecrations (together with Pates' and Goldwell's) "in the Registries of Lambeth, London, or Canterbury." In the first two places no record of them ought to be found; and Strype quotes them as just stated from the only register which could contain them, viz. the Regist. Eccles. Cantuar.—See his Cranmer, bk. iii. c. 5.

three kinds (leaving Barlow out of consideration): entire omissions of all entry whatsoever, of which there are three cases, Latimer, Hilsey, and King; or omissions of the entry of consecration, while that of confirmation (and to a first see) is correctly entered, and of these there are four, Fox, Sampson, Skyp, and Day (see above notes z, a); or, lastly, unfinished entries, of which there is one case, viz. Bell. Now of course, in an accurate Register, the presumption against consecration would be considerably stronger in the second class than in the first, and would not exist at all in the third: but the question is cut short at once, and all presumption of the kind against either class destroyed altogether, by the fact, that in one case of the first and two of the second class, viz. Hilsey, Fox, and Skyp, the record of consecration actually exists in the Diocesan Registers. Of course, then, what is of no weight in these cases, can be of none in the other four. However, to examine these four and Bell's in detail.—i. Latimer is said by Le Neve, from Fuller (Worthies, County Leicestershire), to have been consecrated in Sept. 1535; but his installation, according to Wharton (Anglia Sacra, i. 539, from the Dioc. Reg.), took place Aug. 20, 1535. Probably then he was consecrated in the latter month. Now in the month of September 1535 there were two other consecrations in the province of Canterbury, and only two, Fox to the see of Hereford and Hilsey to that of Rochester, *both occurring at Winchester, both omitted in Cranmer's Register*, and *both recorded in the respective Diocesan Registers;* and these two Bishops *together with Latimer* were restored to their temporalties by writs dated the same day (Oct. 4, 1535—Rymer, tom. xiv. pp. 552—554), wherein according to the (then) customary form consecration is in each case recited as already performed. There had been no previous consecration in 1535 (Latimer's excepted), later than Shaxton's on April 11. The presumption, then, is, that Latimer also was consecrated at Winchester: and the omission in the Archiepiscopal Register, being at once accounted for and supplied in the two cases, can be of no force in the third[1].—ii. Sampson's case has been

[1] Cranmer and Gardiner had a dispute early in 1535 concerning the former's right to hold metropolitan visitations in the diocese of Winchester (see Strype's Memor.); which may account for these consecrations taking place in Winchester Cathedral. The dispute had been decided in the Archbishop's favour.—Fox's confirmation (Sept. 15, 1535) is recorded in Cran-

mentioned already.—iii. Bell succeeded to the see of Worcester in 1539, "per liberam resignationem Hugonis Latimer;" who resigned July 1, 1539 (Le Neve). The entry in Cranmer's Register relating to him extends over 1½ pages, and comprehends merely the usual summary prefixed to a record of confirmation, and half the first document, viz. the Royal Assent, in the middle of which it breaks off with an unfinished sentence, and is followed by 7½ blank pages. The documents relating to him in the Rolls, are the Royal Assent, Aug. 1, 1539 (Rym. xiv. 642, 643), the Significavit (in this case a distinct document), Aug. 2, 1539 (ibid. 643), and the Writ of Restitution of Temporalties Aug. 4, 1539 (ibid.); which last recites consecration, although, as he was confirmed only on (Monday) Aug. 11, (Reg. Cranm.), he could not at the time have been actually consecrated. Of course the usual form was drawn out and sealed, although it was true at the time by anticipation only. There is this difficulty then in making out the details of his case; but it is plain, that the half-omission in the Archiepiscopal Register can afford no ground for doubting the fact of consecration[j].—iv. Day succeeded to the see of Chichester in May 1543, upon the translation of Sampson to Lichfield. His confirmation is entered in Cranmer's Register, May 5, 1543, giving the date of receipt of the Congé d'Eslire April 20, 1543 (that document itself as given in Rymer, xiv. 780, being dated April 5, 1543), and of the election April 24, 1543. His consecration is omitted. The Royal Assent is in Rymer (xiv. 780), dated May 1, 1543, and the writ of Restitution of Temporalties

mer's Register, giving the Congé d'Eslire Aug. 20, 1535 (not in Rymer), the Election Aug. 25, and the Royal Assent Sept. 2 (agreeing with Rym. xiv. 552). Of Hilsey, there is no vestige of a direct record remaining in the Register, merely the mention of him as one of the consecrators in no less than ten cases, and of his death, as has been said above. Of Latimer, nothing but a mention incidentally of him as assisting to consecrate Holbeach in March 1537-8, and of his resignation of the see of Worcester in the half-finished entry relating to Bell his successor.—It is quite possible, that Latimer's consecration may be recorded, and Bell's likewise, in the Registers at Worcester; but they have not been yet consulted for this purpose. Much stress cannot be laid upon the mention of consecration in the writ of Restitution of Temporalties, inasmuch as this was sometimes issued according to the (then) usual form, even previously to consecration; e. g. in Bell's case as mentioned in the text.

[j] Three months after Bell's admission to the see of Worcester, John Skyp (as has been said above) was admitted to that of Hereford, the whole of his confirmation being entered in Cranmer's Register, while his consecration (Nov. 23, 1539) is omitted there and entered in his own diocesan Register.

(reciting consecration) is in Rymer also (xiv. 785), dated May 10, 1543. After what has been shewn of the carelessness of the Registrars, what is there to hinder us from accepting the inference *probably* arising from the date of this last writ, and concluding Day to have been consecrated on the day after his confirmation, in ordinary course, viz. on Sunday May 6, 1543?—v. and lastly, Robert King, styled "Episcopus *R*ovensis" (sic in Rymer) in the charter of erection of the Bishopric of Oseney (afterwards of Oxford) Sept. 1, 1542 (Rymer, xiv. 755), was consecrated Bishop of the suffragan see of Boven or Thevnen in 1539 (see Wharton's Suffragans, in Nichols' Biblioth. Topogr., vol. vi.): but neither is his consecration entered in Cranmer's Register, nor his confirmation in the see of Oxford, nor is the King's writ for his consecration to be found in Rymer. Now in his case there are of course no diocesan registers to supply these omissions: yet the assumption of his Episcopacy in a legal document in 1542 is sufficient evidence of his consecration having really taken place, when the sole ground for doubt is the omission of a single paragraph (for he was a Suffragan Bishop, and therefore not confirmed) in an inaccurate register.—To sum up what has been said.—Assuming (what is undeniable), that the fact of Barlow's consecration must be regarded as certain, until it be disproved, it has been shewn, 1. that at the time to which the existing evidence limits the period of his consecration, he was actually upon the spot, when one if not two other Bishops were certainly consecrated, and that immediately afterwards he began to assume his Episcopal rights; 2. that the omission of a formal entry of his consecration at this time, supposing it to have then taken place, is shared by him with both the other Bishops in question, of one of whom nevertheless the consecration is actually (although incidentally) recorded in the Register by the entry there of the Archbishop's certificates of it; and relates to a Register wherein more than one fifth of the consecrations, during the period to which it relates, are unrecorded, three out of the eight which constitute this number being known to be recorded elsewhere; 3. that there is nothing whatever known, either of him or of any of the others whose consecrations are omitted (much less, com-

mon to all of them), or of Cranmer, which should render it otherwise than in the last degree improbable that either he or they should have risked their sees by refusing to receive consecration, or Cranmer by refusing to consecrate; and 4. and lastly, that no case whatever can be pointed out, to diminish the irresistible presumption that his and their consecrations really took place, arising from the invariable practice of the English Church from the very beginning to the present moment. In a word, the fact of his consecration is disproved by nothing: it is proved, by the law of the land, by the canons of the Church, by the still more peremptory fiat of public opinion, compelling, enjoining, and requiring, its performance; and by the invariable practice in every other known case, and the as invariable belief of all parties without exception as regards himself, until forty-eight years subsequent to his death, implying, and assuming, that it was performed[k].

To pass to the two remaining cases, of ii. Scory, and iii. Coverdale; for whose consecrations there exists the same weight of external and presumptive evidence that exists for Barlow's, while the actual records of consecration in both instances have been entered and still remain in the Archiepiscopal Register. The subject is mentioned for the following reason. It appears, upon a close comparison of the two records, that while they tally minutely with one another (as they ought to tally), not only in date, names of consecrators[l], names of witnesses (one excepted[m]), text and preacher of

[k] Respecting the diocesan Registers in Barlow's case, there is no Register of the acts of the Chapter at St. David's prior to the year 1560, the first six acts entered in the earliest existing Register relating to the appointments of a new precentor, &c. in that year, and the seventh being the record of the receipt of a Congé d'Eslire (Feb. 20, 1560-1, agreeing with Rymer —see below p. 229. note c) for the election to the see of Richard Davies then Bishop of St. Asaph, which took place accordingly March 18, 1560-1. There is however a Liber Computi belonging to the Chapter, reaching back as far as 1384 and thence to 1560, in which the entries break off with the year 1492, and recommence with the feast of St. Peter ad Vincula 1539; and in the margin against the first entry under the latter date (p. 26) are the words, "Hen: 8: Rex. Anno Regni 31, Willi̅. Barlow Episcopus." The 31 Hen. VIII. was from April 1539 to April 1540. Barlow's Episcopal Register is wanting both at St. David's and at Bath and Wells. And at St. Asaph no Register at all exists for the period when he nominally held the see.

[l] Aug. 30, 1551;—by Thomas Cantuar., assistentibus Nich. London., Joh. Bedford. Ep. Suff.; i. e. Cranmer, Ridley, and Hodgskin.—In the parallel cases (see below note q) of Poynet and Hooper, consecrated respectively June 29, 1550, and March 8, 1551, the consecrators were (for Poynet) Cranmer, Ridley, and Bulkeley, (for Hooper) Cranmer, Ridley, and Hilsey.

[m] Antony Huse, Peter Lylly, Edward Bygge, John Incent, witnesses to Scory's consecration. The first three

sermon[n], &c., but (unless one unimportant clause[o] and the variation of name and see and the exception to be immediately mentioned) *verbatim*, they nevertheless differ in the places assigned for the respective consecrations: for Scory, if the Register may be trusted, was consecrated at Croydon[p], and Coverdale on the same Sunday and by the same consecrators at Lambeth[p]: which it is scarcely possible to suppose could actually have been the case. It becomes necessary, therefore, to explain, that with the change in the law relating to admission into Bishoprics, by the 1 Edw. VI. c. 2. (see below p. 66. note k), a corresponding change of course took place in the Registers, a very short document (containing merely an abstract of the particulars of consecration, including a recital of the royal mandate to consecrate, of the elect Bishop's oaths of renunciation of the Papal authority and canonical obedience to the Archbishop of Canterbury, and of the Archdeacon of Canterbury's mandate to inthrone him when consecrated) being substituted for the diffuse record of confirmation usual both up to that time and since the restoration of the old law by Queen Elizabeth. Consequently, the last seven entries of consecration in Cranmer's Register[q], being the whole of those which took place

(Incent being omitted), witnesses to Coverdale's.—In Hooper's case the witnesses were the same as in Scory's. In Poynet's, Huse, Lylly, Incent, and John Howes.

[n] The preacher and text are the same in the cases of Hooper, Scory, and Coverdale; viz. the Bishop of London, upon the Epist. to Titus c. i. In Poynet's case the preacher is the same, but his text was the "*Epist. ad Thim. cap. iii.*"

[o] In Scory's consecration, the Royal mandate was read "per Griffin Leyson legum doctore: dicti reuerendissimi patris Cancellarium." In Coverdale's, it is not specified by whom the mandate was read.—Hooper's record agrees with Scory's. In Poynet's the mandate was read by Geoffrey Glynne as deputy to Griffin Leyson.

[p] Scory,—"in oratorio siue capellâ manerij sui de Croydon, eccl'i'e Xpi. Cantuarien. iurisdictionis immediate."—Coverdale,—"in oratorio siue capellâ manerij sui de Lambehithe Winton. Dioces."

[q] Viz. Farrar, St. David's, at Chertsey, Sept. 9, 1548;—Ponet (so in Register), Rochester, Chapel at Lambeth, June 29, 1550;—Hoper (so in Register), Gloucester, Chapel at Lambeth, March 8, 1550-1;—Scory, Rochester, Croydon, Aug. 30, 1551;—Coverdale, Exeter, Chapel at Lambeth, Aug. 30, 1551:—Taylor, Lincoln, Croydon, June 6, 1552;—Harley, Hereford, Croydon, May 26, 1553. The entries for Poynet, Hooper, Scory, and Coverdale, tally exactly with one another (mutatis mutandis), except clerical errors (in which they do *not* tally), and, also, that in Hooper's case the mandate of inthronization is omitted. The entry for Farrar is the same with these in substance but different in arrangement, and contains likewise an advocatio to the Archbishop. Those for Taylor and Harley are merely entries of the consecration and the Royal mandate and nothing more. Between Farrar's and Poynet's consecrations, are inserted the Archdeacon of Canterbury's mandate to inthrone, in the cases of Thirleby, translated to Norwich, and Ridley, translated

during his primacy after the change in question, and including Scory's and Coverdale's, differ from all the preceding entries, while they tally pretty nearly with one another. And particularly, the entries of Poynet's and Hooper's consecrations (both at Lambeth), which immediately precede those of (1) Scory and (2) Coverdale, and are themselves preceded by a document upon another subject, are, *mutatis mutandis, verbatim et literatim* identical with those of Scory and Coverdale, clerical errors and the trifling differences mentioned below in notes o and q excepted. It is plain, therefore, that the Registrar, having a new form to enter, simply copied the preceding entries in each succeeding case, with the change merely of names, date, place, &c.; and the discrepancy above-mentioned is at once accounted for by the supposition, that in copying for Coverdale the entry of Poynet's or Hooper's consecration, he entered the place also of consecration as it stood in Poynet's and Hooper's case, viz. Lambeth Chapel (which had also been the more usual place of consecration), forgetting that in the individual instance place was among the particulars to be changed[r]. It should be added, that

to London, in April, 1550. The last six records follow each other consecutively in the last pages of the part of the Register, relating to consecrations.—It should be added, to prevent mistake, that the change referred to in the text is a distinct change from that made in the ordinal. The former was a substitution of a simple nomination by the King for the election by the Chapter and confirmation by the Archbishop, and took place in 1547-8; the latter was a change in the form itself of consecration, and did not take place until April 1550. Farrar was the first Bishop nominated by the King (as is specified in the Register), but was consecrated by the old ordinal. Poynet, and those who follow, were both nominated by the king, and consecrated by the new ordinal, as is also specified in the Register.

[r] The mistake as to the place of consecration may possibly relate to Scory's record; but it is more easily explained, if taken (as above in the text) to relate to Coverdale's. Either way, it is so easily explicable as to be of very little importance. Not to add, that any supposition (absurd enough at best) of the forgery of either entry must involve the forgery also of the two entries following Coverdale's and of at least five preceding Scory's, each and all tallying exactly with the corresponding documents in the Rolls; for all these are on one parchment and in the same handwriting and consecutive in order of date.—The documents relating to Scory's successive Bishoprics are referred to below in p. 70. note s; and those relating to Coverdale, in p. 78. note n. I may here add to the former note, that the patent of Edw. VI. constituting John Bishop of Rochester (i.e. Poynet, Scory's predecessor) Bp. of Winchester, dated March 23, 1550-1, is in the State Paper Office, but wrongly entered as belonging to the year 1551-2; that, "April 9, a letter was written" (by the Council) "to the Treasurer of the First Fruits, in favour of Mr. Scorie appointed Bishop of Rochester" (Council Book of Edw. VI., in Wharton, Specim., p. 100); that, June 17, 1551, "John Storye Bishop of Rochester," took the oath of renunciation of the Papal jurisdiction in England (copy of his oath, in State Paper Office); that in the entry of the vacancy of the see of Rochester upon Poynet's translation to Winchester (Reg. Cranm., fol. 121. a, b) the earli-

the entries in general were made (as the state of the Register proves) with the greatest possible irregularity in point of time, and (as the order of the entries and the size of the leaves and other marks of the kind appear to indicate) upon distinct parchments (sometimes one, sometimes two, sometimes so many as half a dozen entries upon each), which were bound together subsequently in a single volume; but in the cases now under consideration, both records, together with Hooper's and Poynet's and some others before and the two remaining entries after them, are entered on the same parchment and in the same handwriting.

An apology is almost necessary, in concluding this discussion, for having entered so minutely into a question, upon which no reasonable person, fairly informed of the whole case, can entertain a moment's doubt. And it does indeed seem almost superfluous to have argued the case at all, or to have attempted any addition to the evidence upon it already published. It must be said in excuse, that Bramhall, when composing his tract upon the subject, was supplied very imperfectly with the evidence relating to it, having little more than what Barwick[s], and Mason's book,

est act is dated April 24, the last May 15, 1551; and that in the similar entry upon Scory's translation to Chichester (Ibid., fol. 134. a) the earliest act is dated Nov. 8, 1552; which dates, as will be seen by a reference to the note above cited, tally with and support those of the other documents relating to the subject: further, that the Rehabilitation of Scory, mentioned at the end of that note, stands in the original Register of Bp. Bonner between two documents dated respectively May 8, and June 15, 1554, but is itself dated precisely thus—"*Dat. in manerio nostro de Fulham die ∧ mensis Julij*," and the year as usual, 1554,—the Registrar, in copying the original document, having omitted the day of the month, and forgotten afterwards to insert it: and, lastly, that the mistake in the name (Story for Scory), and the incorrect addition (of the clause directing *consecration*) to the Royal mandate of Dec. 18, 1559, respecting Scory's *confirmation* in the see of Hereford, which errors occur in the first edition of Rymer's Fœdera, are corrected in the second, and do not exist in the original Rolls; as is the case also with the similar mistake respecting Barlow's confirmation to the see of Chichester in 1559. Further, a patent of presentation of one Roger Morbeck to a prebend at Hereford, dated Dec. 18, and limited to the year 1559 by his actual induction Feb. 3, 1559-60 (Browne Willis, Cathedr.), is recorded in the Rolls (Rymer, xv. 585), addressed "Mattheo Cantuar. Archiep'o sede vacante Episcopatus Hereford.;" thus proving Scory's confirmation in that see to have taken place (as it is entered in the Register) subsequently to Dec. 18, 1559. The variation between Story and Scory, which occurs so repeatedly, is easily accounted for by the almost exact similarity of the two letters in the handwriting of the time; so exact indeed, that it is not always possible to distinguish which is in particular cases really intended. It may be added, that the delay of Scory's consecration from April to August 1551 agrees with the date of his oath above-mentioned, and that no other consecrations took place in the interval.

[s] See below p. 25. note j.

supplied him with; and consequently, that to have edited his tract as it stood, without notes of any kind, would have conveyed a very incomplete idea of the real state of the question, although enough certainly to shew in which direction the truth actually lay: not to add, that a considerable amount of additional information existed, with which even the later writers upon the subject were unacquainted. It is trusted, that the addition of this information will not be considered unseasonable, or incompatible with the rules under which the present publication is conducted.

I cannot conclude without tendering my most sincere thanks to Sir Francis Palgrave, for his kindness in consulting the Rolls, now in his custody, in order to correct the errors and supply the deficiencies[s] in Rymer relative to the subject in question[t]; to Mr. Maitland, who kindly enabled me to examine the Registers and other documents at Lambeth; and to the Society of Corpus Christi College at Cambridge, through whose liberality I had access to the valuable MSS. of Archbishop Parker contained in their library.

A. W. H.

March 6, 1844.

[t] The result of the examination is as follows;—that, in the first edition of Rymer, *all* the Episcopal documents enrolled for the years 1559—1561 are printed, *except one* (viz. significavit for Grindall, Dec. 18, 1559, directing confirmation and consecration, and in regular form—see below p. 93. note t), and subject to the following corrections,—Ely, Cox, significavit, date should be Dec. 18 (not 28) 1559 (R. xv. 552),——Canterbury, Parker, second significavit, the word "electo" should be inserted before "Herefordensi" in the description of Scory (R. xv. 549).—Hereford, Scory, significavit, the name spelt rightly, Scory (not Story), and the clause directing consecration not inserted (R. xv. 551),—Barlow, Chichester, significavit, similar clause not inserted (R. xv. 551). All these corrections, except that relating to Parker's significavit, are made in the later editions of Rymer.—Further, in the Roll of Summons for 28 Hen. VIII. (see below p. 142. note o), "the reading is rather obscure but seems to be 'T. Meneven.,' as given by Rymer," and in the similar Roll of 33 Hen. VIII., which "is in good condition, the reading is most plainly *T.* Meneven., as given by Rymer;" while, unfortunately, the duplicates of these summons, which "exist for some years about this period on what are called the Parliament Pawns," do not exist for these two years.—The date of the Congé d'Eslire for Horne (see below p. 225. num. xv. note b) is inexplicable; unless my own supposition may be admitted,——that it has been entered upon the rolls of the wrong year. That it *is* the Congé d'Eslire for Horne, appears from its describing the see as vacant "per legitimam deprivationem ultimi Episcopi ejusdem," scil. of White; while the similar writ for Pilkington is enrolled besides.—It should be added, that although fees were due for the enrolment of the documents relating to a Bishop's admission to his see, it does not follow that all the documents were enrolled; for the fee might be taken and the duty omitted, inasmuch as the absence of the enrolment would not in all probability be discovered by any of the parties concerned.

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THE WORKS

OF

ARCHBISHOP BRAMHALL.

PART THE FIRST;

CONTAINING

THE DISCOURSES AGAINST THE ROMANISTS.

DISCOURSE V.

THE

CONSECRATION AND SUCCESSION

OF

PROTESTANT BISHOPS

JUSTIFIED;

THE BISHOP OF DURESME VINDICATED;

AND

THAT INFAMOUS FABLE

OF

THE ORDINATION AT THE NAG'S HEAD

CLEARLY CONFUTED.

BY

JOHN BRAMHALL, D.D.,

BISHOP OF DERRY.

"NECESSE EST, UT LANCEM IN LIBRA PONDERIBUS IMPOSITIS DEPRIMI, SIC ANIMUM PERSPICUIS CEDERE." [CIC., TUSCUL., v. 17.]

THE

PUBLISHER[a] TO THE READER.

This book runs the fate which others seldom meet with in some respects; whereof one is, that it is printed in one place and published in another. And though this be a thing which would not need any preface, yet some other things there be that will; which the reverend author having referred to the Publisher to give an account of to the reader, he may be pleased to receive in this following Advertisement.

The book was both written and printed beyond sea; but the materials upon which a good part of the former treatise[b] consisteth, were such as no place but England could afford; being either matter of testimony from persons of honour and others that live here, or of record in our public offices and registries; which being then a-gathering while the author's pen was a-writing, and the printer's hand a-working, made them come sometimes more slowly than otherwise had been requisite.

I may instance in that honourable Attestation given by the Lords Temporal to the Bishop of Duresme's Protestation, and by it to the cause itself (printed here c. ii. pp. 22, 23[c]); which hath been subscribed already by fifteen Lords, most of them of the prime Nobility, though no more than

[a] [The Consecration and Succession, &c., was written, printed, and first published, at the Hague in 1658; and republished (but not reprinted), in the same volume with Schism Guarded, at London in 1659 (See vol. i. pp. xxviii, xxix.). This Advertisement, with the following Postscript, were added to the last-named edition, the former by Dr. John Barwick, afterwards Dean of St. Paul's, then chaplain to Bishop Morton (see his Life of Bishop Morton, c. 1. § 96. p. 110. 4to. Lond. 1660), at the request of the London publisher, John Crook, the latter by Bramhall himself. They are omitted in the folio edition of Bramhall's Works, but may be found at length in Lindsey's Preface to his retranslation of Mason's Vindic. Eccl. Angl. (Lond. folio 1728), § xxxvii. pp. xci—xcv.]

[b] [Viz. The Consecration and Succession &c., which was placed in the volume before Schism Guarded.]

[c] [Of the original edition, 1658, 9.—pp. 33, 34, of the present.]

nine of them are named in that place, because no more than those nine had then subscribed it when that sheet was printed off. It hath always been the honour of the Nobility to protect the Church, defend the truth, and relieve those that are wronged; and God forbid, that any of those noble persons, that have so freely and readily concurred in all these by this Attestation, should want the return of that acknowledgment, which is justly due to them for it. Let the reader therefore take notice, that of these fifteen, two of them are the Marquisses of Hertford and Dorchester; eleven of them are Earls, viz. the Earl of Lindsey, Lord High Chamberlain of England, together with the Earls of Rutland, Southampton, Lincoln, Devonshire, Manchester, Berkshire, Cleveland, Monmouth, Dover, and Newport; and the other two are Barons, viz. the Lord Willoughby of Parham, and the Lord Lovelace.

For the other Attestation from the Lords Spiritual[d] there needed no more to be said than what is in the book, if the printer had not carelessly left out three of their Christian names; which being usually prefixed to their titles in the subscription of Bishops (though not always of Temporal Lords) may perhaps afford our adversaries a new occasion of quarrelling for such an omission, now that all material exceptions are so absolutely cut off from them for ever. To prevent this, be it known to them, that it is subscribed by William Bishop of London (who was then[e] Lord High Treasurer of England), William Bishop of Bath and Wells, Matthew Bishop of Ely (then[e] Dean of his Majesty's Chapel Royal), Robert Bishop of Oxford, John Bishop of Rochester, and Bryan Bishop of Salisbury (then[e] tutor to his Highness the Prince of Wales); all of them persons of much worth, great integrity, and reverend estimation; and therefore not only likely to know, but unlikely to deny, if there had been any such passage in that Parliament.

Besides these there is a third Attestation likewise annexed to the Bishop of Duresme's Protestation, from the Clerk of the Parliament and his two assistants; who attended in the House continually, to observe and record whatsoever was there debated; and therefore could not be ignorant of such a

[d] [pp. 32, 33.] [e] [Viz. in 1640.]

passage as this is pretended to be, if any such had really been. The reverend author thought not fitting to print it, though he had a true copy of it, because it was not then subscribed, by reason of the absence from this place[f] of some of the subscribers: but to supply that defect, the reader may now have it in these following words.—

"WE whose names are hereunto subscribed, being Clerks in the Honourable House of Peers during the Parliament begun at Westminster the third day of November 1640, who according to our several places and offices did give continual attendance in the said House, and, as our duty required, did respectively and particularly observe whatsoever was debated and concluded in it, Do hereby testify and declare, that, to the best of our knowledge and remembrance, no such book was presented to that Honourable House, nor such speech made in it by the Reverend Bishop of Duresme or any other, as are mentioned and disavowed in his Lordship's Protestation and Declaration here prefixed. And therefore we have freely and voluntarily given this our Attestation, for the confirmation of the truth of what is affirmed and declared by the said Bishop in his said Protestation. In witness whereof we have hereunto set our hands. Dated the twenty-seventh day of December, Anno Dom. 1658.

Jo. Brown, Cleric. Parliamentorum.
Jo. Throckmorton.
Sam. Smith[g]."

What can our adversaries say to this? If they suspect the memory of all these Clerks, they may be satisfied by Mr. Scobell's certificate out of the Journal of the House (here printed p. 23[h]). If they say, such a thing there was, though it be not recorded, they may be silenced by the contrary practice of the House, together with the testimony of all these sworn officers, and the memorials of some of them *in scriptis*, out of which the Journal of the House was daily completed.

[f] [Viz. London.]

[g] [See this same attestation, among the others, in Barwick's Life of Morton, c. i. § 101. pp. 119, 120. And see below, p. 25. note j.]

[h] [Of the orig. edition.—p. 34, of the present edition.]

Whereunto may be added, that the Bishops who subscribed that Attestation (being so nearly concerned at that time[i]) were so diligent in the House, as that, for instance, one of them was absent but one day, another but two, while they sat in Parliament; and the rest as seldom as their other weighty occasion[s] would permit. And some of them have their own private memorials still by them of all that passed, and therefore gave no blind testimony to what they here subscribed.

In brief, the untruth is so palpable, that the person[j] who was the instrument in gathering almost all these subscriptions, will depose it upon oath, if need require, that he never used any solicitation or persuasion to any person (whether Lord, or Bishop, or clerk) to subscribe, but only proposed it to their consideration; and that thereupon they did all willingly subscribe it (as many as he proffered it to), and with very great detestation of that notorious slander which first occasioned it.

We may therefore very reasonably presume, that most of the Temporal Lords who then sat in Parliament, would most willingly have attested this manifest truth, if the thing could with any convenience have been represented to them. But seeing they live so dispersedly all over England, and withal that so many of them have subscribed as (with the Bishops and Clerks) will make up the number of a double jury, it was thought neither necessary nor convenient to be at any further trouble in this business, which had already been proved in such a superabundant measure; but only to lodge the Protestation with the Attestations annexed in some authentic registry[k], where they may stand upon record as an

[i] [The bill for excluding Bishops from the House of Lords, which passed the Commons May 19, 1641, was rejected by the Lords June 8, 1641, but passed that House Feb. 5, 1641-2, and obtained the King's consent Feb. 14, 1641-2. See the Journals of the two Houses; which perfectly tally, so far as they go, with what is said above. Twelve Bishops, of whom Morton was one, withdrew from the House under protest Dec. 29, 1641, and were immediately committed to prison by request of the Commons) Rushw., vol. v. pp. 466, 467.—Clarend., vol. i. bk. iv. p. 530); and nearly all the others withdrew towards the end of the session (Fuller, Ch. Hist., bk. xi. sect. iv. § 24), three however continuing to the last and voting against the bill for their own expulsion (Journals).]

[j] [This person was Dr. John Barwick, before mentioned. See below c. ii. p. 25. note j.]

[k] ["The reader is further advertised, . . . that the said Protestation, and all the Attestations annexed, are, by the Lord Archbishop of Canterbury's" (Juxon's) "command, sent into his

honourable testimony to the succession of Bishops in the English Church, and a perpetual brand of infamy to the inventors and abettors of this impudent slander.

That this is no vain presumption will further appear, in that other Lords also (and those of different persuasions), who have not seen the originals of these testimonials but only were made acquainted with them, have notwithstanding utterly disclaimed what our adversaries pretend, some in words and some in writing.

One instance of the former is the Lord Brudenall[1], an eminent Roman Catholic, but a person of more conscience and honour than to defend their cause by such indirect courses; and therefore, fearing lest any should suspect him to be that "ancient Peer" mentioned in this book p. 9[m], because he is now the ancientest man of any Peer of England, he utterly disclaimed his knowledge of any such passage, in his discourse with Sir Justinian Isham and Mr. Francis Crawley in July last at Northampton.

Another instance of the latter we have in the Lord Say, in his letter to a friend (of Oct. 22. last past); where he saith of [1658.] that pretended book and speech, that he "remembers no such thing," but "thinks it an invented tale;" nay, more yet, that he is "sure the Bishops were endeavoured to be put out of the House upon another account and not upon that at all." What thoughts his Lordship hath of Bishops, is not pertinent to this question; the meaner they are, the stronger will his testimony be in this cause. If any such endeavours had been (as he is "sure" there was none), who more likely to have known and remembered it than he? or who more unlikely now to disclaim it, seeing he still esteems of the "order of Bishops" as "no other than a Popish device?"

As for matter of record alleged in this book, it is done with so much fidelity as (when the errata are corrected) may endure the scanning of the most supercilious Aristarchus of the Society[n]. Only the reader is desired to take notice, that in

principal Register's office to be preserved as a lasting testimony of the evident truth therein asserted." Notice prefixed to Barwick's Funer. Serm. and Life of Morton, 4to. 1660.]

[1] [Thomas, created Baron Brudenell in 1627, Earl of Cardigan in 1661, died in 1663, being then above eighty years of age. See Collins' Peerage by Sir E. Brydges, vol. iii. p. 495.]

[m] [c. ii. p. 25. of the present edition.]

[n] [Viz. of the Jesuits; see below pp. 22, 23, and note e.]

the Register of Archbishop Parker tom. ii. fol. 10. (whence the Act upon the Consecration is transcribed, which is here printed pp. 104, 105[o]) the words of the benediction are recorded in English, as they were pronounced out of the English Ordinal, and as Mr. Mason hath printed them[p]; though this reverend author hath put them in Latin to make the record speak all one and the same language. And therefore the words p. 105. l. 7. are to be read thus, to make them answer punctually to the record;—"*Dixerunt Anglicè*, 'Take the Holy Ghost, and remember that thou stir up the grace of God which is in thee by imposition of hands; for God hath not given us the spirit of fear, but of power, and love, and soberness.'"

This Advertisement I confess would have been superfluous, if we had to deal with any adversaries, but such as (for want of material exceptions) grasp at every punctilio to cast dirt in the face of our holy mother the Church of England, and have accordingly heretofore concluded a 'variety' (and consequently a forgery) of registers from some such trivial differences in our authors as these are[q]. But let them know yet once more, that the register is but one, and that a fair, punctual, complete, and unquestionable record: as this reverend author hath proved it; and as it will manifest itself to be to any one, that shall look upon it without prejudice, when our adversaries have vented all their malice against it which the Father of Lies can suggest unto them.

[o] [c. iv. p. 86. of the present edition.]

[p] [In the Latin, as well as the English, edition of his Vindication; viz. lib. iii. c. 9. p. 358, ed. 1625. Mason has however added a Latin translation of the words in the former edition, which Bramhall has borrowed. They are given in English, in accordance with the original Register, in the copy of the record appended to the folio edition of Bramhall's Works (p. 1046), at the end of this Discourse in the present edition.]

[q] [See below c. viii. pp. 130-133.]

A POSTSCRIPT.[a]

CHRISTIAN reader, whereas there is mention made in this treatise[b] of a book entituled *Antiquitates Britanniæ*, printed first at London in Latin by John Day the Queen's printer in the year 1572, and reprinted at Hannow in the year 1605[c], [Hanover.] be pleased to take notice of these two things.

First, that it is not material to our present controversy, whether Archbishop Parker himself, or his domestic chaplain

[a] [This Postscript was added to the same edition of the Consecration and Succession, &c. as the previous Advertisement, but was evidently written by Bramhall himself.]

[b] [See cc. v. vi. viii; pp. 92, 96, 119-124.]

[c] [Le Quien and Harduin have questioned the genuineness of the edition of this book in 1572; but with an entire ignorance of the state of the case and upon almost childish pretences. The evidence of its genuineness consists;—1. in the quotation of it by a chain of authors, from the Puritan "Lyfe" (mentioned in note f below) in 1574, Powell in 1583, Thynne in Holinshead in 1585, Camden in 1586, Cujas in 1589, and eight others at similar intervals to 1610 (see the references in Drake's Pref. to his edition of the book, Lond. fol. 1729); 2. in the known existence in 1724 of twenty-one copies of it, thirteen containing the Life of Parker, 50 being the number originally printed (see a list of their then owners in a letter of Drake's in Couray., Déf. de la Diss., Pr. Just. art. xii. dated Nov. 15, 1724), and some of them containing MS. notes and entries of considerably earlier date than 1605 (e. g. a presentation copy to the Earl of Arundel from Parker himself, now in the Cotton Library; and another, now in the Bodleian Library, presented "5to Januarii 1593" to Richard Cosin by John Parker the Archbishop's eldest son; and another in Lambeth Library, which belonged originally to the same John Parker,—the same which passed subsequently into the hands of the Earl of Sunderland,—see an account of it by Dr. Ducarel in Todd's Acc. of Lamb. MSS. no. 959, and Couray., Déf. de la Diss., Pr. Just. art. xiii; and see also below p. 123. note g); 3. in the existence of two letters of Parker's, one to C. C. C., Cambridge (printed in Drake, Pref. before quoted), speaking of the book as his own, the other, accompanying a presentation copy, to the Lord Treasurer Burghley, in Append. to Strype's Parker, num. lxxxix; 4. in the existence among the Cotton MSS. of the original collections &c. which formed the foundation of the work, and were made by Jocelyn the Archbishop's secretary, Dr. Yale, and others (see Strype, Parker, bk. iv. c. 23;—Planta's Catal. of Cotton MSS.). And this evidence in part applies to the Life of Parker in particular as well as to the book in general. Against it objectors have nothing to urge but a difficulty about the death of Parker being mentioned in a book written by himself, the fact being that it is not mentioned (see below p. 121. note z), a mistake (or misprint) in Stow's Annals, p. 639, ed. 1615,—"Barlow Bishop of *Chester*" instead of Chichester in 1559, Abp. Parker describing his see correctly,—and the rarity of the book, with the differences between the various copies of it, which are sufficiently explained by the account given of the mode of its publication, and by Parker's great reluctance to publish it (see his letter to Cecil just quoted). It should be added, that the Register or Table described below p. 122, is expressly described and quoted in the Puritan Life (see note f) in 1574, towards the end of the 2nd Part.]

John Jocelyn, were the author of that book; or, perhaps, the chaplain author of the Archbishop's Life (as a subject more proper for his pen than his master's), and the Archbishop himself of all the other Lives. This is undoubtedly true, that it was written at the Archbishop's charge and by his appointment, and was approved and authorized by himself, and published to the world three years before his death[d].

Secondly, that, since the publishing of this treatise, I have found in the library of my kind friend Mr. Michael Honnywood[e] (whom I name on purpose, that they may view it who have a desire) an old translation (as the character itself doth testify sufficiently) of the last of those seventy Lives (namely, of Archbishop Parker himself) into English[f], which doth more

[d] [The probability seems to be, that the *actual composition* of the book was the work of John Jocelyn the Archbishop's secretary, the collections for it being made by Jocelyn, Dr. Yale (the Archbishop's Chancellor), Ackworth (Public Orator at Cambridge, and Chancellor of Winchester, but afterwards one of the Archbishop's antiquaries), and others, the whole being carried on under the superintendence of the Archbishop, and the book printed at Lambeth, although with the types of Day the Queen's Printer. See, for both sides of the question, Strype, Parker, bk. iv. cc. 17, 23;—Wharton, Angl. Sacra, Pref. § 15. pp. xvii. xviii; MS. paper in the copy of the book in Lambeth Library, printed in Todd's Acc. of Lamb. MSS. num. 959, and Couray, Déf. de la Diss., Pr. Just. art. xiii. § 1;—Drake, Pref.;—Letters of Parker himself quoted in last note;—and below p. 123. note e.]

[e] [See Bramhall's Letters No. XI., vol. i. p. xcviii.]

[f] [The book meant is a translation, not of the Life of Parker in the De Antiq. Brit. Eccl., but of another Life of him (in many passages substantially the same) contained in "a little Latin book, belonging to" Corpus Christi College, Cambridge, "called *Historiola*, being a MS. declaring briefly the History of the Foundation and the successive Masters of that College" (of whom Parker was one); "writ by the Archbishop's own directions about the year 1569, and still preserved with great esteem in the College" (Strype, Parker, bk. iv. c. 42;—there are two copies of the MS. in C. C. C. Library, the older of them in the handwriting of Jocelyn; see below p. 85, note f, and Master's Hist. of C.C.C. p. 113. ed. Lamb). It is entitled, "The Lyfe of the 70. Archbishopp off Canterbury presentlye sittinge Englished and to be added to the 69 lately sett forth in Latin:—this numbre off seventy is so compleat a number as it is great pitie ther shold be one more; but that as Augustin was the first, so Mathew might be the last. Imprinted 1574;" no place or name;—and contains, 1. "Historiola, or, a Litle Storye of the Actes and Life of Mathew now Archbishoppe of Canterb.;" 2. a virulent invective against the De Antiq. Brit. Eccl. (of which the author had seen a copy without the Life of Parker), headed, "To the Christian Reader, peace with Christe and warre with Antechriste." It is a little duodecimo pamphlet in an old character (Dutch, according to Wood, Athen. Oxon. vol. ii. p. 983. ed. Bliss). The supposed author was Dr. Aldrich, Master of C. C. C. from 1569 until his ejection by Parker's means in 1573 "for notorious non-conformity," and consequent violation of the College statutes (Le Neve;—Strype, Parker, bk. iv. cc. 27, 42;—Lindsay, Pref. to Mason's Vindic., p. xcv. note o;—Wood, Fasti, P. i. col. 172. ed. Bliss); but Strype, although he allows that Aldrich was probably "privy" to the transaction, inclines rather to attribute the pamphlet to John Stubbs, the same who lost his right hand "not many years after for bold and seditious writing" (Parker, bk. iv. c. 42). Baker the antiquarian also acquits Aldrich, because the translation in question is

concern this cause than all the rest; printed in the year 1574, that is, two years after the first edition of *Antiquitates Britanniæ*, one year before the death of Archbishop Parker, thirty years before this abortive fable was hatched[g], and forty years before Mr. Mason's book was printed[h].

Who translated it, and who printed it, is unknown; neither of them durst avouch it: but this is evident by his mistranslations, and by the title (wherein he wisheth, that as "Austin was the first, so Matthew might be last" Archbishop of Canterbury), and by his marginal notes everywhere (as, for instance, where he scoffeth at our "Poope-holy" orders[i]), that the translator was a most virulent adversary both of Archbishop Parker and of the Church of England. Yet, notwithstanding his snarling humour, where it is related in Archbishop Parker's Life, how he was "consecrated by four Bishops according to the law[k]," and how all the other Bishops during his time were legally consecrated by him[l], this Rabshekeh stands, like the picture of Silence in a heathenish temple, with his finger in his mouth, and was not able to contradict it; who, you may be sure, would have made good sport with the Nag's Head Ordination, if any such thing had been heard of in those days.

The use I make of this is double.—First, it sheweth un-

made from a copy of the Historiola belonging to the University Library at Cambridge, not from those belonging to C. C. C. (Master's Account of Benet Coll., Life of Aldrich).]

[g] [The story of the Nag's Head Ordination was first published in print by Holywood (or Sacrobosco) in 1604. See below c. ii. p. 39. note f.]

[h] [The first and English edition of Mason's Vindication of the Church of England appeared in 1613.]

[i] [Margin, p. 3. The book is not paged.]

[k] [pp. 19, 20. "He was consecrated, neither with these" (Bulls), "nor any other old and idell ceremonies off Aaron's ornaments, . . . but more chastely and religiously according to the puritie off the gospelle, fowre Bishoppes being appointed accordinge to a law made in that behalfe," &c. (viz. 25 Hen. VIII. c. 20, which required for the consecration of a Bishop either the Archbishop with two Bishops, or—as was of necessity Parker's case—four Bishops). See the Antiq. Brit. Eccl., pp. 539, 540. ed. Drake. The whole passage from the Historiola itself, and the corresponding passage of the Life in the De Antiq. Brit. Eccl. (editions of 1572 and 1729), are among the Preuves Justific. to Courayer's Déf. de la Dissert., art. xiv. The "law" here mentioned is supposed by an anonymous writer (MS. Cotton., quoted by Strype, Parker, bk. ii. c. 1) to be 8 Eliz. c. 1 (wherein Parker among others is declared to have been legally consecrated); which the context shews obviously to be a mistake, although it has been followed by Coke (Instit., Pt. iv. c. 74. p. 322): see Browne, Nag's Head Story Examined, c. vi.]

[l] [pp. 20, 21. "And the very same solempnitie and manner of consecration he used towards his brethern bishoppes upon whom afterward he laide his hande."]

deniably, that the legal consecration of our Protestant Bishops was published to the world in print, both in Latin and English, in the beginning of Queen Elizabeth's reign; and could not be contradicted then by the greatest adversaries of our Church. Secondly, that the exception, which our English Nonconformists in those days did take to our Episcopal orders, was not want of legal consecration but legal consecration itself; upon which ground this translator nicknamed them "Poope-holy" orders.

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DISCOURSE V.

CONSECRATION

OF

PROTESTANT BISHOPS VINDICATED.

[First printed at the Hague, A.D. 1658.]

CHAPTER I.

THE OCCASION OF THIS TREATISE.

[The lying fable of the Nag's Head Consecration newly revived.]

The fairest ears of corn are soonest blasted; so, the more conspicuous the Church of England was among the Reformed Churches (as not being framed according to the brainsick dictates of some seditious orator, or the giddy humours of a tumultuous multitude, but with mature deliberation, and the free consent and concurrence of all the orders of the kingdom), the more it was subjected to the envy and groundless calumnies of our countrymen of the Roman communion: but of all the slanderous aspersions cast upon our Church, that lying fable of the Nag's Head Ordination doth bear the bell away. Those monstrous fictions of the Cretan bulls and minotaurs (devised by the Athenians to revenge themselves upon Minos king of Crete, who had subdued them in a just war and compelled them to send their sons to him for hostages[a]) were not more malicious, nor that shameless lie of Kentish longtails[b] more ridiculous. The first deviser of it doth justly deserve the character of 'a man of a brazen forehead, and leaden heart[c].'

[a] [See Plutarch, in Theseo, tom. i. pp. 12, 13. ed. Bryant.]

[b] [See Fuller's Worthies of Engl., County Kent, under the head of Proverbs; and Matt. Paris., in an. 1250, p. 790, there quoted.]

[c] ["Cui os ferreum, cor plumbeum esset." Licin. Crassus, ap. Sueton., in Neron. c. ii. p. 524. ed. Græv.]

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If the unpartial reader, after he have perused this treatise, think I do him wrong, I do willingly submit myself to his censure.

This prodigious fable received its death's wound from Mr. Mason's pen, and hath remained ever since for the space of thirty years buried in deep oblivion[d]. And those essays which it maketh now to get wing again, by the assistance of two Ignatian Fathers[e], are but the vain attempts of a dying cause. Neither would I have troubled the reader or myself to 'bring owls to Athens,' or to confute a cause which hath been so demonstratively confuted to my hand, but for two new additions lately spread abroad. The one by oral tradition, which concerneth myself;—that 'Father T. and Father B. had so confuted the Bishop of Derry in the presence of the King, that he said he perceived his father had made me a Lord, but not a Bishop:' and that 'afterwards, by

[1. With a fabulous addition concerning the author.]

[d] [Mason's Vindication of the Church of England, published first in English in 1613, was republished in Latin with considerable additions three years after the author's death, in 1625; the translation having been executed by Mason himself, and the publication of it being superintended by Sir Nathaniel Brent, then Warden of Merton College, Oxford, of which Mason had been a Fellow. A tolerably complete history of the controversy with the Romanists concerning the validity of our orders, from its commencement until the Revolution, including a very full and accurate account of Bramhall's treatise and the circumstances which occasioned its publication, will be found in the preface to Lindsey's retranslation of Mason's Vindication (folio, London, 1728): and (allowing for a wish to believe the Nag's Head fiction) a tolerably fair summary (up to his time) of the arguments and authorities on both sides, concerning the particular question of Archbishop Parker's Consecration, in Dodd, Ch. Hist., Pt. iv. bk. iii. Art. 6. vol. ii. publ. in 1739. See also Palmer, On the Church, Pt. vi. c. 10. Neither Lindsey however nor Bramhall were entirely correct, in supposing the Nag's Head fable to have been "buried in deep oblivion" during the thirty years (or thereabouts) which elapsed between the publication of Mason's treatise in its complete form and that of the book mentioned in the following note. See below p. 39. note f.]

[e] [The book referred to is entitled "A Treatise of the Nature of Catholick Faith and Hæresy, by N. N." 8vo. Antwerp. 1657 (according to Dodd and Ware; according to Barwick and others, at Rouen). N. N., who in a rejoinder to Bramhall (called "The Nullity of the Prelatique Clergy and Church of England further discovered" &c., 8vo. Antwerp, 1659. Preface § viii.) denies that he had any coadjutor in the task, was the Father (Peter) Talbot mentioned above in the text. He was at the time a Jesuit; but afterwards quitted his order, and was made (Roman Catholic) Archbishop of Dublin according to Dodd (Ch. Hist., pt. vii. bk. ii. art. 4. vol. iii. pp. 284, 285); but Ware in his Writers of Ireland (bk. i. Works, vol. ii. pp. 191—193.) gives a very different account of his pretensions to that dignity. The first of his two books above mentioned, that to which Bramhall's treatise is a reply, is unfortunately not to be met with. The second is as feeble as it is disingenuous and violent. Two other (so called) replies to the last Chapter of the present Discourse appeared in 1660 and 1662, entitled Erastus Junior and Senior, both by the Rev. John Lewgar, a fellow-collegian of Chillingworth, and, like him, a convert (but unchangeably) to Romanism.]

my power, I had procured those two Jesuits to be prohibited that presence; so that, whereas Father Talbot used to be the interpreter in the Spanish treaties, now he was not admitted, and Don John would admit no other[f].'

So the Bishop of Derry is accused, not only to have been publicly baffled, but also to have been a disturber of public affairs. Yet I know nothing of all this, which concerneth myself. I never heard of any such conference, or any such words; I never knew that Father Talbot was designed to that employment; I was never guilty of having any such power, much less of any endeavour to turn out any man. If the Fathers seemed too pragmatical to those who were intrusted, or to involve the interest of their religion into civil treaties, what is that to me? If it were true, they may thank themselves; if it were false, they may thank them who did it. Whether true or false, I never had a hand nor so much as a little finger in it.

All the truth that I know is this. Hearing that these two Fathers had spoken largely in the Court of the succession of our English Bishops, but never in my presence, I sought out Father B., and had private conference with him about it in the Jesuits' College at Bruges, and afterwards some discourse with Father T. and him together in mine own chamber. Whatsoever they did say, they put into writing; to which I returned them an answer, shewing not only that there was not, but that it was morally impossible there should be, any such ordination at the Nag's Head. From that day to this I never heard any thing of it, that concerned myself. Now if a man should search for an author of this fabulous relation, he shall be sure to have it fathered upon some very credible persons, without names, who had it from John a Nokes whilst he was living, and he had it from John a Stiles, and he had it from nobody, but feigned it himself out of a good inten-

[f] [Charles II. removed his residence from Cologne to Bruges in April 1657, having entered into a treaty with Spain (then at war with Cromwell) through Don Juan of Austria (natural son of Philip IV. of Spain), at that time recently appointed governor of Flanders. He removed from Bruges to Brussels in February 1658. See Clarendon, Hist. of Rebell., bk. xv. vol. iii. pp. 746—749, 825, 826. In Thurloe's State Papers, vol. v. p. 645, is a "letter of intelligence from Mr. J. Butler," dated Flushing Dec. 2, 1656 (N. S.), which says, "He who was Bishop of Londonderry in Ireland, is now at Bruges; when he preacheth, which is but seldom, he thunders out cruel execrations against the Lord Protector, and the State of England."]

PART I.

tion; according to that case-theology which he had learned of Machiavel, to advance the credit of religion by all means possible, true or false[g].

[2. With a second fabulous addition concerning Dr. Morton Bishop of Durham.]

The other addition concerneth the learned and reverend Bishop of Duresme, one of the ancientest Bishops this day living in the Christian world, being ninety-five years old at least[h]:—that he owned and justified the Nag's Head ordination in public Parliament, in the House of the Peers. It is very well; we cannot desire a better place where to have it spoken than the House of Parliament, nor better witnesses than the Lords Spiritual and Temporal. We have no man of the Episcopal order whose memory can reach so near those times, or in whose integrity we do more confide, than the Bishop of Duresme: he might hear many things, either from the persons pretended to have been then consecrated, or from the notaries or witnesses who were then present at that imaginary consecration; or at the least he might receive the tradition of that age from such as were eye-witnesses of what passed. Let it be put to his testimony if they think fit (without doubt he is the same man he was then), or to the testimony of any other of his age and reputation, whom they can produce: we refuse no sort of proof but only vain hearsay; which, as our English proverb saith, is commonly, and in this case most undoubtedly, a liar. Nay, we would not refuse the testimony of Mr. Neale himself, though a professed enemy, who was the only founder of this silly fable[i], so he might be examined upon oath, before equal judges; but compel him either to shame the devil and eat his own words, or to run himself into such palpable absurdities, contradictions, and impossibilities, that no man of reason, how partial soever, could give any credit to him. My first task shall be, before I meddle with the fable itself, to vindicate the Bishop of Duresme, and the truth which is wounded through his sides; with this intimation to the reader, that if this branch of the

[g] [See the Discorso di Machiavelli sopra la Prima Deca di Tito Livio, lib. i. c. xii.]

[h] [Dr. Thomas Morton was Bishop of Durham from 1632 until his death at the age of ninety-five (he was born March 20, 1564), September 22, 1659, a little more than a year subsequent to the circumstance which occasioned this book. See his Life at the end of the Funeral Sermon preached for him (on Michaelmas-day, 1659) by his Chaplain, Dr., afterwards Dean, Barwick. 4to. London 1660.]

[i] [See below pp. 102, 103, 117, note l.]

legend be proved apparently to be false, which is pretended to have been publicly acted in a full House of the Peers of the realm, we can expect no truth from the voluntary report of one single, mean, malicious enemy, to his own party, and withal a confessed spy, of what was done at the Nag's Head. 'Break ice in one place, and it will crack in more.'

CHAPTER II.

THE VINDICATION OF THE BISHOP OF DURESME.

[The Bishop of Durham accused of having allowed the reality of the Nag's Head Consecration.]

To vindicate the Bishop of Duresme, I shall first set down the relation of this passage in the words of the Fathers themselves.—

"In the beginning of the late Parliament, some Presbyterian Lords presented to the Upper House a certain book, proving, that the Protestant Bishops had no succession or consecration, and therefore were no Bishops, and by consequence had no right to sit in Parliament. Hereupon Dr. Morton, pretended Bishop of Durham, who is yet alive, made a speech against this book in his own and all the Bishops' behalf then present. He endeavoured to prove succession from the last Catholic Bishops, who (said he) by imposition of hands ordained the first Protestant Bishops at the Nag's Head in Cheapside, as was notorious to all the world; therefore the aforesaid book ought to be looked upon as a groundless libel. This was told to many by one of the ancientest Peers of England, present in Parliament when Morton made his speech, and the same he is ready to depose upon his oath. Nay, he cannot believe, that any will be so impudent as to deny a thing so notorious, whereof there are as many witnesses living as there are Lords and Bishops that were that day in the Upper House of Parliament[j]."

[j] Treatise of the Nature of Catholick Faith and Hæresy, c. ii. p. 9. [See note e. p. 22. Of the attack there made upon Dr. Morton, a similar account to that in the text is given by Dean Barwick in his Life of Morton (c. i. § 93—104. pp. 108—121), and by Peter Barwick in his Life of Dean Barwick (pp. 170—175. Eng. translat. by Bedford, 1724), and from them and Bramhall by Courayer, and by Lindsey as before quoted. The relation of Dean Barwick is indeed in substance the same as Bramhall's, which was drawn up upon Dean Barwick's information; including however, with the documents in the text, the additions also supplied in the Advertisement prefixed to this Discourse, and some others, which will be found in subsequent notes. Peter Barwick informs

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Here are three passages: one concerning a book, presented to the Upper House against the succession of English Bishops by some Presbyterian Lords; the second, concerning the pretended refutation of this book by the Bishop of Duresme; the third, the proof of both these allegations by the testimony of an ancient Peer of England.

[1. Of the supposed occasion of his doing so.]

First, for the book. It is most true there was a book written about that time by a single Lord against Episcopacy, and dedicated to the Members of both Houses of Parliament[k]. No wonder. How often have the Parliaments in the reigns of Queen Elizabeth and King James been troubled 131
with such "requests" and "representations." It is no strange thing, that a weak eye should be offended with the light of the sun. We may justly ascribe the reviving of the Aerian heresy in these latter days to the dispensations of the Court of Rome, who licensed ordinary priests to ordain, and confirm, and do the most essential offices of Bishops. So their schools do teach us;—'a Priest may be the extraordinary minister of Priesthood and inferior orders by the delegation of the Pope[l];'—again,—'the Pope may

us,—after mentioning the form and substance of the accusation as given above,—that the Bishop, upon being thus calumniated, "sent from the country, where he then resided" (viz. at Flamstead in Hertfordshire—see above in the text p. 31,—being expelled from his see by the rebels), "for his chaplain Mr. Barwick, then at London, ordering him to bring a public notary with him, that by a solemn protestation made before them and other proper witnesses, he might declare the falsehood of this story:" that he "employed Mr. Barwick to lay" the protestation so made "before all those Lords who had sat in that Parliament and were yet surviving, whether Spiritual or Temporal, living either at London or in the neighbouring counties;" and when this had been done, "laid his commands" upon him "to publish" it "with the noble testimonies thereto subjoined: and this he purposed to do in a just volume." Hearing however of Bramhall's intention to reply to the same adversaries, Barwick gave up the execution of the task to him, "furnishing him in the mean time with materials proper to end this dispute, not only from this fresh testimony of undoubted authority, but also out of more ancient monuments as old as the Reformation itself; and these, not only such as were taken from the authentic records of the Church, which Mr. Mason had formerly produced, . . but likewise out of the public records of the kingdom" (see below c. v. pp. 67-94). The documents in the text, relating to Bishop Morton, are also among the Preuves Justif. to Courayer's Dissert. sur la Valid. des Ordr. Angl.; and the additions supplied by Barwick among those appended to his Défense de la Dissertation.]

[k] [Viz. "A Discourse opening the Nature of that Episcopacie which is exercized in England, wherein with all humility are represented some Considerations tending to the much desired Peace and long expected Reformation of this our Mother Church, by the Right Honourable Robert" (Greville) "Lord Brooke;" with a dedication, "To the most noble Lords, with the honourable Knights, Citizens, and Burgesses, now assembled in Parliament."—first edition, London 4to. 1641; second, enlarged and corrected, 1642.]

[l] [Thom. Aquin., Summ., P. iii. Qu. lxxii. art. 11. Ad primum.]

confer the power of confirmation upon a simple priest[m].' By such exorbitant practices as these, they chalked out the way to innovators. And yet they are not able to produce one precedent of such a dispensation throughout the primitive times. A good Christian ought to regard more what the whole Christian word in all ages hath practised, than what a few conceited persons in this last age have fancied. Among all the Eastern, Southern, and Northern Christians, who make innumerable multitudes, there neither is, nor ever was, one formed Church that wanted Bishops. Yet these are as far from submitting to the exorbitant power of the Roman Bishop as we. Among all the Western Churches, and their colonies, there never was one formed Church for fifteen hundred years, that wanted Bishops. If there be any persons so far possessed with prejudice, that they choose rather to follow the private dictates of their own phrensy, than the perpetual and universal practice of the Catholic Church, "enter not into their secrets, O my soul." [Gen. xlix. 6.]

Thus far we agree; but in all the rest of the circumstances (though they be not much material) the Fathers do pitifully mistake themselves, and vary much from the testimony of their witness, and much more from the truth. [The pitiful mistakes in this part of the story.]

First, the author of this book was no Presbyterian Lord, much less a company or cabal of "Presbyterian Lords" in the plural, but my Lord Brooke, one that had as little favour for Presbytery as for Episcopacy[n].

Secondly, the book was not presented to the Upper House. It might be brought into the House privately, yet not be presented to the House publicly. If it had been publicly presented, the Clerks of the Parliament, or some of them, must needs have known of it, and made an Act of it; but they know no such thing[o]: the Lords Spiritual and Temporal could not all have forgotten it, but they remember no such thing: as by their respective certificates presently shall appear.

Thirdly, as the author is mistaken, and presentation mistaken, so the subject likewise is mistaken. *'Sit liber judex'*

[m] [Thom. Aquin., ibid. See Bellarm., De Sacram. Confirmat., lib. ii. c. 12, Op. tom. ii. p. 439. A—C.]

[n] [See for instance his Discourse upon Episcopacy before mentioned, sect. ii. c. 3. in fine.]

[o] [See Advertisement prefixed to this Discourse, above, p. 7.]

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—let the book speak for itself. Thus an able friend certifieth me,—"I have got my Lord Brooke's book, which he wrote against the Bishops, with much labour, and perused it with no less patience: and there is not in it the least shadow of any argument, that the Bishops ought not to sit in Parliament because they had no succession or consecration." What did my Lord Brooke regard succession, or consecration, or holy orders, who had a coachman to be his preacher? The less canonical the ordination had been, the more he would have applauded it. Time, and place, and form, and all, were agreeable to that Christian liberty which he dreamed of. It was not want of consecration, but consecration itself, which he excepted against; as all men knew who knew him. And in this quarrel he lost his life, after a most remarkable and almost miraculous manner, at the siege of Lichfield Church, upon St. Ceadda's anniversary day, who was the founder of that Church and Bishop of it[p].

[2. Of his pretended speech upon that occasion.]

I know the Fathers will be troubled much, that this which they have published to the view of the world, concerning the Bishop of Durham, as "a truth so evident which no man can have the impudence to deny," should be denied; yea, denied positively and throughout; denied, not only by the Bishop of Durham himself, but by all the Lords Spiritual and Temporal that can be met with; denied by some Lords of their own communion, who understand themselves as well as any among them, though their names are not subscribed to the certificate[q]; denied by the Clerks of the Parliament, whose office it is to keep a diary of all the speeches made in the House of the Peers[r].

[His own denial of it.]

For proof hereof, first, I produce the Protestation of the Bishop of Duresme himself, attested by witnesses in the presence of a public notary[s]. Take it in his own words.

[p] [Clarendon, Hist. of Rebell., bk. vi. vol. ii. pp. 192, 193.—Wood, Athen. Oxon., vol. ii. pp. 432—434. ed. Bliss.]

[q] [See Advertisement prefixed to this Discourse, above p. 9.]

[r] [See the same Advertisement, above p. 7.]

[s] [For an account of this Protestation, see p. 25. note j; and the Protestation itself in Barwick's Life of Morton, c. i. § 97. pp. 110-114. Barwick further informs us, that Bp. Morton, besides this Protestation, "wrote a letter to Mr. Gunning" (i. e. Dr. Peter Gunning, afterwards Bishop successively of Chichester and Ely; but it does not appear what the intended book was), "desiring him to take notice of the injury" (viz. the calumny of N. N.) "in a book which he was then preparing for the press" (Life of Morton, c. i. § 96. p. 109); and also inserted the following

432 "WHEREAS I am most injuriously and slanderously traduced by a nameless author, calling himself N. N., in a book said to be printed at Rouen 1657, intituled 'A Treatise of the Nature of Catholic Faith and Hæresy,' as if upon the presenting of a certain book to the Upper House in the beginning of the late Parliament, 'proving,' as he saith, 'the Protestant Bishops had no succession nor consecration, and therefore were no Bishops, and by consequence ought not to sit in Parliament,' I should 'make a speech against the said book in' my 'own and all the Bishops' behalfs, endeavouring to prove succession from the last Catholic Bishops' (as he there styles them), 'who by imposition of hands ordained the first Protestant Bishops at the Nag's Head in Cheapside, as was notorious to all the world,' &c.,—

I do hereby, in the presence of Almighty God, solemnly protest, and declare to all the world, that what this author there affirms concerning me, is a most notorious untruth, and a gross slander: for, to the best of my knowledge and remembrance, no such book as he there mentions was ever presented to the Upper House in that or any other Parliament, that ever I sate in; and if there had, I could never have made such a speech as is there pretended, seeing I have ever spoken according to my thoughts, and always believed that fable of the Nag's Head Consecration to have proceeded from the Father of Lies; as the authentic records of the Church still extant, which were so faithfully transcribed and published by Mr. Mason, do evidently testify. And whereas the same impudent libeller doth moreover say, that what he there affirms 'was told to many by one of the ancientest

disclaimer in a codicil to his will (§ 9.), dated April 15th in the same year 1658, and ordered to be "published in print after" his "death."—

"If I had not believed upon sufficient evidence, that the succession of Bishops in the Church of England had been legally derived from the Apostles, I had never entered into that high calling, much less continued in it thus long. And therefore I must here expresly vindicate myself from a most notorious untruth, which is cast upon me by a late Romish writer, that I should publickly, in the House of Peers, the beginning of the last Parliament, assent to that abominable fiction, which some Romanists have devised concerning the consecrating Matthew Parker at the Nag's Head Tavern to be Archbishop of Canterbury: for I do here solemnly profess, I have always believed that fable to proceed from the Father of lies, as the public records still extant do evidently testify. Nor do I remember that ever I heard it mentioned in that or any other Parliament that ever I sate in" (Barwick's Ἱερονικης &c., a Funeral Sermon for Bp. Morton, pp. 47, 48.).]

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[t] ["*Can* come to." Barwick.]

more solemn and full confirmation of this my free and voluntary protestation and declaration, I have hereunto set my hand and seal, this seventeenth day of July, Anno Domini, 1658.

THOMAS DURESME.

Signed, sealed, published, and declared, in the presence of Tho. Sanders sen., Tho. Sanders jun., John Barwick Clerk, R. Gray, Evan Davies."

433 "I Tobias Holder, public notary, being requested by the Right Reverend Father in God Thomas, Lord Bishop of Duresme, at the house of Thomas Sanders Esq. in the parish of Flamstead in the county of Hertford, in the year of our Lord, month, and day, above specified, was then and there personally present, where and when the said Reverend Bishop did sign, publish, and declare this his protestation and declaration above written, to be his act and deed, and did cause his authentic Episcopal seal to be thereto affixed, in the presence of the witnesses whose names are thereto subscribed: and did, there and then, likewise sign, publish, and declare as his act and deed, another of the same tenor written in paper, which he signed with his manual seal, in the presence of the same witnesses. All this I heard, saw, and therefore know to be done. In testimony whereof I have subscribed, and thereto put my usual and accustomed notary's sign.

TOBIAS HOLDER,
Public Notary."

How doth this so solemn Protestation agree with the former relation of the Fathers, that the Bishop of Durham affirmed publicly in the Upper House, that "the first Protestant Bishops" were consecrated "in the Nag's Head," that they "were not consecrated at Lambeth," that this was "notorious to all the world," that it is "not credible that any will be so impudent as to deny it," that "all the rest of the Bishops approved his assertion by their silence, and were glad to have such a retiring place against the Presbyterians," that "none of the Bishops did give credit to Mr. Mason's

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new found registers[u]?" Even as light and darkness, or truth and falsehood, or two contradictory propositions, do agree together. This is the first witness whom any of that party hath adventured to cite publicly and directly for that infamous story whilst he was living. And they see the success of it. I hope they will be wiser hereafter than to cite any more living witnesses.

[Attestation of the other Bishops then in Parliament and still surviving.]

But it may be, that they, who do not stick to suppose that our "Archbishops make false certificates," may object this is but the testimony of the Bishop of Durham in his own cause. Let us see whether the other Bishops dissent from the Bishop of Duresme. Take the testimony of them all, who sat in that Parliament, which are now living, except the Bishop of Bangor, whose absence in Wales is the only reason why he is not a subscriber with the rest[v].

"WHEREAS we, the surviving Bishops of the Church of England, who sat in the Parliament begun at Westminster the third day of November 1640, are required by our Reverend Brother the Lord Bishop of Duresme, to declare and attest the truth concerning an imputation cast upon him in the pamphlet of that nameless author, mentioned in his protestation and declaration here prefixed; and whereas we are obliged to perform what he requesteth, both for the justification of the truth, and for the clearing of ourselves of another slanderous aspersion, which the same author casteth upon us, as if we had heard our said Reverend brother make such a speech as is there pretended, and by our silence had

[u] [Nature of Catholick Faith and Hæresy, c. ii. § 3, 28. pp. 9, 26, 27; as quoted by Barwick, Life of Morton, c. i. § 94, 95. pp. 108, 109.]

[v] ["The reader is further advertised, . . that, whereas p. 109" (of Barwick's Life of Morton) "the Bishop of Bangor is excepted from the Bishops that signed the Attestation to this Reverend Bishop's" (Dr. Morton's) "Protestation, the said Bishop of Bangor coming up to London since that sheet was printed off, hath also very readily subscribed to the same" (Notice prefixed to Barwick's Funeral Sermon and Life of Morton). William Roberts D. D. was Bishop of Bangor from 1637 to 1665 (Le Neve's Fasti). A reference to Le Neve will shew, that besides Dr. Roberts, and the six whose signatures appear in the text, only three English Bishops still survived in the year 1658, viz. Dr. Frewen, then Bishop of Lichfield and Coventry, consecrated in 1644,—Dr. King, Bishop of Chichester, consecrated Feb. 6. 164½ (see Hannah's edit. of Bp. King's Poems, Biogr. Notices pp. xxxix, xl, and note),—and Dr. Brownrigg, Bishop of Exeter, consecrated May 15, 1642; all of them therefore since the date of the pretended speech, and the earliest, Dr. King, one day after the expulsion of the Bishops from the House of Lords, in which therefore neither he nor the others ever took their seats. See also Lindsey's Preface before referred to, pp. xci, xcii. note ff.]

approved, what that libeller falsely affirmeth was delivered in it:

We do hereby solemnly protest and declare before God and all the world, that we never knew of any such book presented to the House of Peers, as he there pretendeth, nor believe any such was ever presented; and therefore could never hear any such speech made against it, as he mentioneth, by our said Reverend brother or any other, much less 'approve of it by our silence.' And if any such book had been presented, or any such speech had been made, there is none among us so ignorant or negligent of his duty in defending the truth, but would have been both able and ready to have confuted so groundless a fable, as the pretended consecration of Bishops at the Nag's Head, out of the authentic and known registers of the Church still extant, mentioned and faithfully transcribed and published by Mr. Mason so long before. For the confirmation of which truth, and attestation of what our said Reverend brother hath herewith protested and declared, we have hereunto set our hands. Dated the 19th day of July, Anno Domini 1658.

[GUIL.] LONDON.	[WILL.] BATH AND WELLS.
M. ELI.	JO. ROFFENS.
BR. SARUM.	[RO.] OXFORD[x]."

[Attestation of the Temporal Lords then in Parliament.]

If all these proofs seem not satisfactory to the Fathers, they shall have more. Let them take the testimony of the principal Peers now living, who sat then in Parliament[y].

434 "WE of the Lords Temporal, whose names are here underwritten, who sat in the Parliament begun at Westminster the third day of November 1640, being desired by the Bishop of Duresme to testify our knowledge concerning an imputation cast upon him, about a speech pretended to be made by

[x] [See Advertisement prefixed to this Discourse, above p. 6; and Barwick's Life of Morton, c. i. § 99. pp. 115—117. The additions to the signatures in the text are taken from the latter. The Bishops, who signed the Attestation, were—William Juxon, of London,—Matthew Wren, of Ely,—Brian Duppa, of Salisbury (Bishop of Chichester until 1641), — William Pierce, of Bath and Wells,—John Warner, of Rochester,—and Robert Skinner, of Oxford.]

[y] [See Advertisement prefixed to this Discourse, pp. 5, 6; and Barwick's Life of Morton, c. i. § 100. pp. 117, 118. The arrangement of the signatures and the additions to them are taken as before from the latter.]

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him in that Parliament, more particularly mentioned and disavowed in his prefixed Protestation, do hereby testify and declare, that to the best of our present knowledge[z] and remembrance, no such book against Bishops as is there mentioned, was presented to the House of Peers in that Parliament: and consequently, that no such speech as is there pretended, was or could be made by him or any other against it. In testimony whereof we have signed this our attestation with our own hands. Dated the 19th day of July Anno Domini, 1658.

[HERTFORD.]	[BERKSHIRE.]
DORCHESTER.	CLEVELAND.
LINDSEY.	MONMOUTH.
RUTLAND.	[HEN.] DOVER.
[T.] SOUTHAMPTON.	[M. NEWPORT
[T.] LYNCOLN.	P. WILLUGHBYE
[W.] DEVONSHIRE.	J. LOVELACE.]"
[MANCHESTER.]	

[Attestation of the Clerk of the Upper House of Parliament.]

To this proof nothing remaineth that can be added, but only the testimony of the Clerk of the Parliament; who, after a diligent search made in the book of the Lords' House, hath with his own hand written this short certificate in the margin of one of your books, pag. 9, over against your relation[a];—

"Upon search made in the book of the Lords' House, I do not find any such book presented, nor any entry of any such speech made by Bishop Morton.

HENRY SCOBEL, Clerk of the Parliament."

And now methinks I hear the Fathers blaming of their own credulity, and rashness, and overmuch confidence. They

[z] ["To the best of our knowledge." Barwick.]

[a] [See Barwick's Life of Morton, c. i. § 102. p. 120; who says, that Mr. Scobel, "after a long and diligent search, wrote" this certificate "over against the place where the objection is made page 9, in the margin of the book which I have in my custody." Lord Audley replied to this particular attestation (Null. of Prel. Clergy &c., c. ix. § 2. p. 91), that "it is not the office of the clarque to record speeches;" which is true; but it is his office to record the presentation of books to the House. Lord Audley, in his second declaration, avoids this difficulty, and contradicts himself (or Talbot), by denying that he had ever mentioned "a book presented."]

had forgotten Epictetus his rule, "Remember to distrust[b]." I judge them by myself;

"Homo sum, humani à me nihil alienum puto[c]."

One circumstance being either latent or mistaken, may change the whole drift and scope of a relation. But though we would be contented to lend a skirt of our coat to cover the fault of them who calumniate our Church, yet this relation can never be excused in any man from a most grievous mistake, where both the person and the whole scope of his discourse is altogether mistaken. This is almost as great a mistake as the Nag's Head Ordination itself; where a confirmation dinner was mistaken for a solemn consecration. But those who cherish such mistakes for advantage, and deck them up with new matter, and publish them to the world for undoubted truths, cannot be excused from formal calumny.

[3. Of the witness to the story.]

The last thing to be considered in this first part of this discourse, being the vindication of the Reverend Bishop of Duresme, is concerning the witness[d]; whom, as the Fathers

[b] [Epic*harmus*, ap. Cic., ad Attic., i. 19.]

[c] [Terent., Heautontim., I. i. 25.]

[d] [This was James Touchet, Baron Audley, and Earl of Castlehaven in Ireland. He repeated his assertion upon the publication of Bramhall's book, both in a note to Bramhall himself, and in a more particular reply to the passage in the text, inserted in N. N.'s rejoinder to Bramhall (viz. The Nullity of the Prelat. Clergy &c. further discovered, &c.) c. ix. § 2. pp. 88—91. The comparative value of his testimony and Bp. Morton's has been discussed by Le Quien (Null. des Ord. Angl., P. i. c. vii. § 7) on the one side, and Courayer (Déf. de la Dissert. sur la Val. des Ord. Angl., liv. ii. c. 5) on the other, upon a very insufficient acquaintance with the facts. The former, for instance, argues against Bp. Morton's protestation, as the *compulsory* evidence of a *dishonest* man, contradicted by *many* witnesses, and *not repeated* upon Lord Audley's second affirmation; a statement, as Courayer justly replies, at direct variance with the facts of the case in its first and third points; in its accusation of dishonesty, having no better ground than the virulence of opponents in controversy; while in the last place, Bp. Morton's death in England in September 1659 precluded him from replying to an assertion made in Holland in the same year, and in a book, which in the end of that year, while engaged in writing his Life, his chaplain Barwick had not yet been able to see (Life of Morton, c. i. § 104. p. 121): and Bramhall could not himself do more than he had done already. So far Courayer is manifestly in the right. He proceeds to argue,—from the publication of Lord Audley's reply *without signature* in an *anonymous* book, he himself serving at the time with the Prince de Condé in Flanders (Memoirs of Ld. Audley by himself. Lond. 1680), and making no mention whatever of the subject in his own Memoirs of his Life, —that his supposed testimony is not only false but fictitious. But the Memoirs in question profess solely to defend Lord Audley's "Engagement and Carriage in the Wars of Ireland from the year 1642 to the year 1651" (he having been thrown by circumstances — so he said — among the rebels;) while his serving with Condé in Flanders during the years 1657, 8, would bring him in contact with the Court of Charles II., instead of

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do forbear to name, so shall I. Of whom they say four things,—that "he is one of the ancientest Peers of England," that "he was present in Parliament when Morton made this speech," that "he will take his oath of the truth of it," and that "he cannot believe that any will be so impudent to deny it."

We have no dispute concerning the antiquity of Peerage, let that pass: but I am confident, whatsoever his present judgment had been, either of the speaker or of the speech,

removing him from it: and, further, the question, so far as regards his *original* declaration, is set at rest entirely by the expression of Bramhall in the text, misunderstood by Courayer,—that he himself "had conference with him" (the witness) "about this relation." Courayer is equally inaccurate in a further attempt to *demonstrate* the falsity of Lord Audley's testimony: 1. from the date of Bp. Morton's withdrawal under protest from the House of Lords (Dec. 29. 1641; see above p. 8. note i.); 2. from the date of Lord Audley's own residence in Ireland (viz. without interval, from some time before Oct. 23, 1641, when the Irish rebellion broke out, until at least 1646; Memoirs above mentioned): for, unfortunately, the alleged date of the pretended speech is not "the year 1642," as Courayer from Le Quien supposed, but "the beginning of the last Parliament," which began to sit Nov. 3, 1640, and in the first year of which Bp. Morton was certainly in attendance, and in almost constant attendance, upon the sittings of the House, (see above p. 8, and note i, and Journals); while Lord Audley (as appears by the Journals) took his seat in the House of Lords April 16, 1640; was certainly present there Dec. 10 and 19, 1640, and March 17, 1640-1; and was probably in constant attendance until June 1641, as he was engaged in a suit before the House with Lord Cottington, which was not discharged until the 18th of that month (he is marked "extra regnum" only on April 15, 1642). See also Browne, Story of the Ordination of Our first Bps. in Qu. Eliz. reign at the Nag's Head Thoroughly Examined (Lond. 1731), who has corrected some of Courayer's mistakes. However, Courayer proceeds to argue from other grounds in favour of Bp. Morton with considerable justice and force; viz. from the *madness* of the alleged speech, considered as a *defence* of Episcopacy, —from its absolute *want of consequences*, no one (not even Rushworth) having even noticed it at the time (nor is there any mention either of Ld. Brooke's book, or of any speech at all of Bp. Morton's, either in the Journals of the House, or in Hansard's Parliamentary History),—from the existence of a work of Morton's ("Judgment of Protest. Divines &c. in behalf of the Episcopal degree in the Church," publ. by Ussher in 1644, without Morton's name; see Des Maizeaux's Life of Chillingw. pp. 305-307.) supporting Episcopacy *upon ordinary grounds*— and, lastly, from the *simplicity*, *solemnity*, and *publicity*, of his protest, made when *almost on his deathbed*, and attested so readily *by all who could speak to the point* (the accuser indeed, but he alone, excepted). To this may be added the inconsistency of Lord Audley's two declarations (see p. 34. note a); and the absolute disproof of the first of them as regards Ld. Brooke's book. It is curious, however, that neither Courayer nor Le Quien even notice a circumstance of great weight in the question, and upon which the original assailant in his rejoinder (Null. of Prel. Clergy &c., c. ix.) lays the heaviest stress—viz. that it is a question of *positive* as against *negative* testimony. The latter undoubtedly disproves the possibility of a *speech* of the *character* alleged; for a deliberate and lengthened argument could scarcely be either unnoticed or forgotten or misunderstood: but (good faith being assumed on both sides) it would not disprove, against a positive testimony to the contrary, a casual and indifferent mention of the topic. And this seems the utmost that can possibly be true in the present case.]

your witness would have abstained from uncivil language; as to style the Reverend Bishop of Duresme a "pretended Bishop," and plain "Morton," without either welt or guard; he would not have forgotten all his degrees, both in the Church and schools. He will not charge all them with downright "impudence," who tell him that he was doubly mistaken; nor call that "notorious to all the world," which he himself acknowledgeth that he never heard of before in his life. He is not guilty of those inferences, and *eo nomine*'s which you have added. I do not believe that he doth, or ever did, know the Bishop of Duresme so well as to swear this is the man[e]; nor doth take himself to be so exact an analyser of a discourse as to be able to take his oath what was the true scope of it, *pro* or *contra;* especially when something is started that doth quite divert his attention, as the sound of the market bell did the philosopher's auditors.

This is my charity. And my ground for it is this. When I had once conference with him about this relation, he told me the name of the Nag's Head did surprise him, and he betook himself to inquire of another what it meant. And
435 when I urged to him, that it was incredible that any Protestant Bishop should make such a speech, unless he used it only by way of supposition, as *argumentum ad hominem*, a reason fit for my Lord Brooke,—that such a consecration as that was, agreed well enough with his principles,—he told me he knew not that, the Bishop might answer so for himself.

To conclude, I have heard the Bishop of Lincoln[f] did once mention the fable of the Nag's Head in a speech in Parliament; but with as much detestation of it as our ancestors used to name the devil. Why might not the mistake, both of the person, and of the drift or scope of his speech, be the occasion of this relation? I had rather out of charity run into two such right-handed errors, than condemn a noble

[Possible origin of the story.]

[e] [Bp. Morton was a member of the committee of Lords on Ld. Audley's suit with Ld. Cottington (Journals, Dec. 10, 1640); and was besides a most active member of the House (until expelled with the other Bps.) during the Parliament in question; so that Ld. Audley of course must have known him by sight.]

[f] [i. e. Bp. Williams. Dr. Thomas Winniffe, who was consecrated Feb. 6, 1641 (Percival, from the Register) to the see of Lincoln upon Williams' translation to the Archbishopric of York, and who died in 1654, did not sit in Parliament at all. See above p. 8. note i.]

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gentleman, of whose ingenuity I never had any reason to doubt, of a malicious lie. Take it at the very best, the mistake is great enough, to mistake both the person of the speaker and the scope of his speech. I hope they will all do that which in conscience they are obliged to do; that is, acquit the Bishop of Duresme and crave his pardon for their mistake. If they do not, the world will acquit him, and condemn them. But the greatest mistake of all others was, to publish such a notorious untruth to the world so temerariously without better advice.

CHAP. III.

THREE REASONS AGAINST THE NAG'S HEAD CONSECRATION; I. FROM THE CONTRADICTIONS OF THE RELATERS; II. FROM THE LATENESS OF THE DISCOVERY; III. FROM THE STRICTNESS OF OUR LAWS.

[The story of the Nag's Head Consecration.]

Now having beaten down the pillar about their ears, which they had set up to underprop their Nag's Head Ordination, it remaineth next to assault the main fable itself, as it is related by these Fathers. Having told, how the Protestant doctors who were designed for Bishoprics in the beginning of Queen Elizabeth's reign, "had prevailed with Anthony Kitchin, Bishop of Llandaff, to give them a meeting at the Nag's Head in Cheapside, in hope he would ordain them Bishops there;" and how the Bishop of Llandaff "through Bishop Bonner's threatenings refused" (all which shall be examined and laid open to the view of the world in due order, how it is stuffed with untruth and absurdities); they add, that "being thus deceived of their expectation, and having no other means to come to their desires" (that is, to obtain consecration), "they resolved to use Mr. Scory's help, an apostate religious priest, who having borne the name of Bishop in King Edward the Sixth's time, was thought to have sufficient power to perform that office, especially in such a strait necessity as they pretended. He, having cast off together with his religious habit all scruple of conscience, willingly went about the matter; which he performed in this sort,—having the Bible in hand, and they all kneeling before

him, he laid it upon every one of their heads or shoulders saying, 'Take thou authority to preach the Word of God sincerely:' and so they rose up Bishops of the new Church of England. This narration of the consecration at the Nag's Head" (they say) they "have taken out of Holywood, Constable, and Dr. Champney's works[f]." They might as well

[f] [The earliest mention in print of the Nag's Head Consecration (by the confession of almost all parties) is in a book published *abroad*, viz. at Antwerp, in 1604 by *Holywood* (or Christoph. a *Sacrobosco*), entitled De Investig. Verâ et Visib. Christi Eccl., c. iv. pp. 17-19. For Harding, who is claimed by Talbot (N. N.) and others, see below c. viii. (pp. 471, 472. fol. edit.); and for Sanders, who approaches the nearest of all before Holywood to a positive statement, see in the text below pp. 46—48. Fitzsimon indeed (and others after him) claims as witnesses a list of Romanists (including Harding,) prior to Holywood; but it is, expressly, *as denying our orders*, not as affirming the Nag's Head Consecration or anything of the kind (see below c. viii. pp. 470-473 fol. edit.); and several Protestants, apparently on the same ground (see below c. ix. pp. 473, 474. fol. edit.). From Holywood's book until the second publication of Mason's Vindication in 1625, the topic occurs in almost every Romanist book upon the subject;—a repetition, which is conclusive, when contrasted with the previous silence;—viz. *Kellison*, Reply to Sotcliffe's (sic) Answer to the Survey of the New Religion &c., fol. 31. b. Rhemes 1608, and in his Latin translation of the Survey, pp. 165, 166. publ. in 1616 (in the Survey itself, to which Sutcliffe had replied, published in 1603 and 1605, he does not mention the story); —*Fitzherbert*, Preface (§ 136, 137) to *Parsons'* Discussion of the Answere of M. Barlowe, D. of Divinity, to the Judgment of a Catholike Englishman &c. concern. the Apol. for the New Oath of Allegiance, n. p. 1612 (a posthumous work publ. by Fitzherbert, who wrote the Preface; see Wood, Athen. Oxon. vol. ii. p. 663. ed. Bliss); and again in his Supplement to the same discussion (by F. T.) c. v. § 3, 4. pp. 208, 209. n. p. 1613, and in the Adjoinder to that Supplement (quoted by Lindsey);—*Fludd* (i. e. John Floyd), Purgatory's Triumph over Hell, in a Letter to Sir Edw. Hoby, by J. R., St. Omers. 1613. (quoted by Lindsey), —*Fitzsimon*, Britannomach. Ministror. in plerisque et Fidei Fundamentis et Fidei Articulis Dissidentium, lib. iii. c. v. P. 4, et 5. pp. 316, &c., Douay 1614.—*Wadsworth*, in a letter dated April 1, 1615 (§ xi.), p. 12. of a book entitled Copies of Certain Letters which have passed between Spain and England in the matter of Religion &c. between Master James Wadesworth a late Pensioner of the Holy Inquisition at Sivill (Seville) and W. Bedell, a Minister of the Gospel &c. in Suffolke. Lond. 1624.—*Champney*, Treatise of the Vocation of Bishops &c., proving . . in particular the pretended Bishops in England to be no true Bishops, against Mr. Mason; c. xiv. pp. 194, 195. Douay. 1616; and transl. into Latin, pp. 497, 498. Paris. 1618.—*S. N.*, Guide of Faith &c. (see above vol. i. p. xxxiv. note m), c. xx. § 19. p. 194, n. p. 1621.—and another anonymous book entitled Protestantium Demonstrationes pro Recusatione Catholicorum, quoted by Mason, Vindic. Eccl. Angl., lib. iii. c. viii. § 6. From 1625 until 1654 the story appears to have been laid aside. In the last-named year it was revived, but with Bp. Oglethorpe of Carlisle substituted for Kitchin, in an anonymous book called the Legacy left to Protestants, printed at Douay (Strype's Parker, bk. ii. c. 1.), and in another by H. W. entitled Meditations on the Marks of the True Church, Paris 1655 (Browne as quoted below, c. iv. § 8, 9); and again, according to Holywood's original version, in The Politician's Catechism, Antwerp. 1658 (Strype, ibid.), and by *Talbot* or N. N. in his Treatise of the Cath. Faith (1657), and Nullity of Prelatique Clergy (1659). From this time until 1688, it appears to have been again laid aside; Lewgar, in his Erastus Junior and Senior (1662) granting to Bramhall for the sake of the argument "the Lambeth Records," and assailing him on other grounds, of right not of fact. The question was renewed by one T. Ward in England, in his Errata

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have taken it out of Æsop's Fables, and with as much credit or expectation of truth on our parts.

So the controversy between them and us is this.—

They say, that Archbishop Parker and the rest of the Protestant Bishops in the beginning of Queen Elizabeth's reign, or at the least sundry of them, were consecrated at the Nag's Head in Cheapside together, by Bishop Scory alone, or by him and Bishop Barlow jointly, without sermon, without Sacrament, without any solemnity, in the year 1559 (but they know not what day, nor before what public notaries), by a new fantastic form. And all this they say upon the supposed voluntary report of Mr. Neale (a single malicious spy), in private, to his own party, long after the business pretended to be done.

of the Protestant Bible, pp. 73 &c., Lond. 1688, and again in a scurrilous poem called England's Reformation, Cant. iv. pp. 324, &c. Lond. 1715, and a third time in a prose pamphlet called the Controversy of Ordination truly stated, &c., pp. 35—41. Lond. 1719 (republ. in 1807); and by the Abbè Renaudot in France, in a Memoir upon the Valid. of the Engl. Ordin., Paris 1720, a translation of which is prefixed to Williams's translation of Courayer. Williams replied to the former in his Succession of Protestant Bps. Asserted &c. (Lond. 1721); and Courayer to the latter in his Dissertat. sur la Valid. des Ord. Angl. (Bruxelles 1723); rejoining upon two new opponents, Hardouin (La Dissert. du Père Le Cour. Réfutée, P. i. La Quest. de Fait, Paris 1724), and Le Quien (Null. des Ordin. Angl., Paris 1725, founded in part upon a very weak pamphlet of the nonjuror Stephens, On the Authority of the Engl. Bishops, publ. in 1700), in his Déf. de la Dissert. (Bruxelles 1726); and again in a Supplement (Amsterd. 1732). Another answer to Le Quien, discussing with great accuracy and diligence both the fiction itself and the pretended evidence for it prior to Holywood, appeared in 1731, by Browne (who had published two discourses on the subject in 1688), entitled the Story of the Ordin. of our first Bps. in Qu. Eliz. Reign at the Nag's Head thoroughly examined (Lond. 8vo). Brett (Divine Right of Episcopacy &c., Lond. 1718), and Earbery (Detection of the Forgery of the Nag's Head Consecration, &c., Lond. 1722), had preceded Browne, the former merely repeating the arguments of Mason and others in a new form, and Earbery applying Leslie's four tests to the question. Lastly, in the year 1815 a Mr. Gandolphy revived the fable, and was answered by Dr. Elrington in his Valid. of Engl. Ordin. Established, Dubl. 1818. It is to be observed, that the first supporters of the story affirm it unhesitatingly, and with a proportionate degree of ignorance and violence; that Le Quien, the only respectable supporter of that side of the question, argues for nothing more than the impossibility of refuting it; while Lingard (Hist. of Engl., vol. vii. note I) expressly, and Trevern (Discuss. Amicale sur l'Eglise Angl. &c., tom. i. Lettre I. pp. 8, 10. 2nd edit. Paris 1824) tacitly, surrender it altogether. The sole direct evidence quoted by the first publishers of it (i. e. Holywood, and the rest, who took the hint from him) is that of *Neale;* transmitted, either immediately or at second hand, through *Haberley,* or *Bluett,* or *Watson,* or others of the prisoners at Wisbeach (see below c. vii. pp. 463, 464. folio edit.) vivâ voce; or, lastly, through an unpublished MS. of H. *Constable* (quoted by Champney), who refers also to other witnesses (*unnamed*) "*integerrimæ fidei*" (and does *not* mention the Nag's Head). For other (so called) witnesses, afterwards added, see below in c. viii., p. 467 fol. edit.]

We say, Archbishop Parker was consecrated alone, at Lambeth, in the Church, by four bishops, authorized thereunto by commission under the Great Seal of England, with sermon, with Sacrament, with all due solemnities, upon the seventeenth day of December, anno 1559, before four of the most eminent public notaries in England; and particularly, the same public notary was [g] principal actuary both at Cardinal Pole's consecration, and Archbishop Parker's: and that all the rest of the Bishops were consecrated at other times; some in the same month, but not upon the same day; some in the same year, but not the same month; and some the year following. And to prove the truth of our relation, and falsehood of theirs, we produce the register of the see of Canterbury, as authentic as the world hath any; the registers of the other fourteen sees then vacant, all as carefully kept by sworn officers as the records of the Vatican itself. We produce all the commissions under the Privy Seal and Great Seal of England. We produce the rolls or records of the Chancery; and if the records of the Signet-office had not been unfortunately burned in King James his time, it might have been verified by those also. We produce an Act of Parliament express in the point, within seven years after the consecration. We produce all the controverted consecrations published to the world in print, anno 1572, three years before Archbishop Parker's death, whilst all things were fresh in men's memories [h]. These bright beams had been able to dazzle the eyes of Mr. Neale himself, whilst he was living, and have made him recant his lewd lie, or confess himself stark blind.

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I. The first reason which I bring against this ridiculous fable, is taken from the palpable contradictions, and gross absurdities and defects, of those Roman Catholic writers who have related this silly tale of a tub, and agree in nothing but in their common malice against the Church of England.

1. The first reason [against it;—from the contradictions and defects of its relaters.]

It is no strange matter for such as write upon hearsay, or rely upon the exact truth of other men's notes or memories, to mistake in some inconsiderable circumstance; as to set

[g] ["By the same public notary, who was" &c. Orig. edit. of 1658, 9. The correction in the text, which the sense appears to require, is taken from the folio edition. Anthony Huse is the person referred to. See Record at the end of this Discourse.]

[h] [See below c. v.]

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down the name of a place amiss, which may be the transcriber's fault, or the printer's, as well as the author's; or to say two suffragans for one, when there were two named in the commission and but one present at the consecration[i]. Such immaterial differences, which are so remote from the heart of the cause, about indifferent circumstances, may bring the exactness of the relation into question, but not the substantial truth of it. Such petty unsignificant variations do rather prove, that the relations were not made upon compact or confederacy; especially where there are original records taken upon the place by sworn notaries, whose names, and hands, and acts, are as well known to every man versed in the records of those times, as a man knoweth his own house; to which all relaters and relations must submit, and are ready to submit, as to an infallible rule. But he who should give credit to such a silly, senseless fable as this is, which is wholly composed of absurd, improbable, incoherent, inconsistent, contradictory fictions, had need to have a very implicit faith.

[1. About the consecraters.]

The greatest show of any accord among them is about the consecrater, yet even in this they disagree one from another. The common opinion is, that Bishop Scory alone did consecrate them[k]. But Mr. Constable, one of their principal authors, supposeth, that Bishop Barlow might join with him in the consecration[l]. And Sanders, whose pen in other cases useth to run over, one who had as much malice as any of them, and had reason to know the passages of those times better than all of them, leaveth it doubtful, when, or where, or by whom they were ordained;—"*Quomodocunque facti sunt isti Pseudoepiscopi*"—"by what means soever they were ordained[m]."

[2. Who they were that were consecrated.]

But they disagree much more among themselves, who they should be that were ordained. First, Mr. Wadsworth (whose ingenuity deserveth to be commended) doth not say that any of our Bishops were actually consecrated there, but

[i] [See below c. viii.]

[k] [So Holywood, Fitzherbert (Pref. to Parsons' Discussion), Fitzsimon, Champney. For another contradiction, the putting Oglethorpe for Kitchin, see p. 39. note f.; and another, that Scory was, and was not, consecrated as well as consecrater, below notes l, p, r, s.]

[l] [MS., ap. Champn. "Parkerus a duobus *ad summum* hæreticis Sacerdotibus, non Episcopis, ordinatus fuit; *si tamen* Barlous Scoræo in eâ actione astiterit; *quod me quidem latet.*"]

[m] [De Schism. Anglic., lib. iii. p. 349. ed. 1610.]

only that 'there was an attempt to consecrate the first of them[n],' that was, Archbishop Parker. But that which destroyeth the credit of this "attempt" is this, that it is evident by the records, that Archbishop Parker was not personally present at his confirmation in Bow's Church, or at his confirmation dinner at the Nag's Head, which gave the occasion to this merry legend, but was confirmed by his proctor Nicholas Bullingham, Doctor in the Laws, upon the ninth of December, anno 1559[o]. A man may be confirmed by proxy, but no man can be ordained by proxy. It is a ruled case in their own law, "*Non licet Sacramentum aliquod* 437 *præter matrimonium absenti administrare.*" So if there was an attempt to consecrate any man at the Nag's Head, it must be Dr. Bullingham, it could not be Archbishop Parker. Others say, there was more than an "attempt;" that one or more of them were actually ordained there; but they name none[p]. Others name some, but they accord not one with another in naming of them. Some say, Jewel, Sandes, Horne, Grindal[q]. Where was Archbishop Parker? Others say, Parker, Grindal, Horne, Sandes[r]. Lastly, others say, they were all ordained there, who were named to Bishoprics, and number fifteen of them[s]. These Fathers speak indefinitely,—"Parker and his fellows." But they seem to extend this word "fellows" as far as Dr. Champney's fifteen; for they tell us, that they "all kneeled down before him," and "he laid the Bible upon every one of their heads or shoulders." Thus these Cadmean brethren, like

[n] ["At the Nag's Head in Cheapside, where consecration of your first Bishops was attempted but not effected;" going on however to speak of Parker only.]

[o] [See the Record at the end of this Discourse.]

[p] [Kellison (Reply;—in the Examen, ed. 1616, he gives a detailed account of the story, but still without names). "As I have hard" (sic) "credibly reported, some of them" ("your new superintendents") "were made Bishops at the Nag's Head." —and Sacrobosco, "Scoreus Monachus (post Herefordensis Pseudo-episcopus) cæteris, ex cæteris quidam Scoræo manus imponunt."—and the Legacy left to Protestants.]

[q] [Fitzherbert, Pref. to Parsons' Discussion &c. "He" (i. e. Jewel), "Sands, Scory, Horne, Grindall, and others (if I mistake not their names)," &c. In his Supplement he says that "many of the Arch-sectaries (and among the rest, M. Jewel) . . ordained themselves."]

[r] [Fitzsimon, adding, "et sic de cæteris;" and that Scory was also himself there consecrated.]

[s] [Champney,—"All those that were nominated to Bishoprics"—referring for their names to the following chapter (c. xv. p. 203 Engl. edit.), where he names fifteen; viz. Parker, Grindal, Horne, Cox, Bullingham, Bentham, Barkley, Alley, Sandes, Scambler, Davis, Young, Pilkington, Best, Downham.]

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those false witnesses which testified against Christ, destroy one another with their mutual contradictions[t].

[Mark xiv. 56-59.]

[3. The time of the consecration.]

Thirdly, the time is a principal circumstance in all consecrations, and is evermore most punctually recorded by the actuaries or public notaries. But in this fabulous relation the time is concealed. It seemeth the forger was no good actuary, and either did not know how material that circumstance was, or had forgotten it. Only Dr. Champney telleth us, that it was before the ninth of September anno 1559[u]. But this is not precise enough for an act; and moreover, it is most apparently false and impossible. For, whereas there are two commissions under the Great Seal of England, for the confirmation and consecration of Archbishop Parker, both recorded in the rolls,—the one which was not executed, dated the said very ninth day of September, and the other, which was executed, dated the sixth day of December following[x],—if Dr. Champney said true, Archbishop Parker was consecrated before he was confirmed; yea, before there was any commission out, either for his consecration, or confirmation: which is one of the drowsiest dreams that could drop from an English pen.

[4. Their omitting to name the notary who drew up the acts of the consecration.]

Lastly, every consecration must be performed before one or more public notaries (we shall shew them notaries enough of great eminence, beyond all exception, for Archbishop Parker's true consecration). And indeed, what could a consecration avail any man without a public notary to record it, to make an authentic certificate of it under the seal of the principal consecrator? Now who recorded the Nag's Head consecration? Who drew it up into acts? Who certified it? Nobody: because the silly forger did not understand what things were requisite to a consecration. Only, as the Athenians sometimes said of Metiochus, "Metiochus grinds the corn, Metiochus bakes the bread, Metiochus mends the high ways, Metiochus doth all, an evil year to Metiochus[y];" so we may say of Mr. Neale; Mr. Neale was the spy, Mr. Neale

[t] [See Mason, Vindic. Eccl. Angl., lib. iii. c. 8. § 11. c. 17. § 2.]

[u] [See Mason, ibid. c. 8. § 12.]

[x] [See below c. v. pp. 447—450. folio edit.]

[y] ["Μητίοχος μὲν γὰρ στρατηγεῖ,
Μητίοχος δὲ τὰς ὁδοὺς,
"Μητίοχος δ' ἄρτους ἐποπτᾷ, Μητίοχος δὲ τἄλφιτα,
"Μητιόχῳ δὲ πάντα κεῖται, Μητίοχος δ' οἰμώξεται."
Comicus incertus (ex emend. Porson.), ap. Plut., Polit. Præcept., c. 15. tom. iv. p. 173. ed. Wyttemb.]

was the witness, Mr. Neale was the public notary, Mr. Neale was the chief engineer or forger, Mr. Neale was all, what honours are due to Mr. Neale! Discourse V.

"Qui tot sustinuit, qui tanta negotia solus[z]."

So they fain a consecration without a public notary, or (which is all one) no man ever knew who that public notary was: at a time impossible, or else no man knoweth at what time: without any certainty who consecrated, whether Scory alone, or Scory and Barlow together, or God knoweth who: and yet with much less certainty who were consecrated; whether none at all but only an attempt was made; or one, and who that one was; or some indefinitely, without naming who they were, or how many they were; or four expressly, but dissenting one from another, who those four were. Here is a story composed altogether of uncertainties and contradictions, like 'a man and no man, hit a bird and no bird, on a tree and no tree, with a stone and no stone.' To make this uncertain, groundless, contradictory rumour to be the touchstone of truth, and to overbalance all the authentic records of the kingdom, in a matter of such public concernment, is just to make the parish clock go truer than the sun, because the clerk who sets it is our friend.

II. My second reason against this senseless fable, is the late discovery of it to the world, and the long concealing of it in holes and corners before they durst adventure [to] present it to the view of the world. Can any man who is in his right wits be so stupid as to imagine, that the Nag's Head Ordination happened in the year 1559, and (if these Fathers say truly) was "notoriously known to all the world," and that it should never once peep into the light for almost a whole age after it was pretended to have been done, that is, till after the year sixteen hundred? We use to say, a monster is but nine days' wonder; but this ugly monster was not taken notice of in the world until after forty years. The reason is evident; either it was then but newly hatched, or

II. Second reason [against it; —from the lateness of its discovery.]

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[z] [Horat., Epist., II. i. 1. "Qui tot sustineas et tanta negotia solus."—Neale, who was Hebrew Lecturer at Oxford from 1558 until 1569, lived at Cassington in Oxfordshire from that year to 1590, in great privacy on account of his religion. See Wood, Athen. Oxon., vol. i. pp. 576-578; and Dodd, Ch. Hist., vol. ii. pp. 109, &c.]

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it had been kept all that time at dry nurse in a closet. If it had been so "notorious to all the world" from the year 1559 as the Fathers fain, all the windows in the Nag's Head would have been full of it, and the room would have been shewed to all their guests, where such a prodigious pageant had been acted.

I dare appeal to the judgments of these Fathers themselves, whether it be credible, that this story should be notoriously known to the world in the beginning of Queen Elizabeth's reign, and yet neither Stapleton, nor Harding, nor Bristow, nor Alan, nor Reynolds, nor Parsons[a], nor any one of all their Roman Catholic writers, should so much as mention it for forty years ensuing; especially writing so much as they did upon that very subject, the validity or invalidity of our ordination. How could their silence have been excused from betraying of their cause, to lose such an egregious advantage? Was it peradventure out of affection to us, to conceal the defects of the Protestants? No, they had will enough. But they durst not avouch such a monstrous untruth in earnest (if ever they did hear of such a vain rumour, which I cannot easily believe), so contrary to the knowledge of that age.

[Not one syllable about it in Sanders' book *De Schismate Anglicano.*]

Especially let them tell me how it cometh to pass, that Nicholas Sanders, who professeth to write "the ecclesiastical history of England from the one and twentieth year of Henry the Eighth until the eight and twentieth year of Queen Elizabeth" then current, in his "Three Books of the Original and Progress of the English Schism[b]," hath not one syllable of the Nag's Head Ordination? He was never accused of partiality for the Protestants (but as malicious against the Protestants as any man could wish); nor of concealing

[a] [See Courayer, Déf. de la Dissert., liv. ii. c. iv; and below c. viii. pp. 470—473 fol. edit. Of the six here named, four are cited by Fitzsimon as evidence for the Nag's Head Consecration; but on what ground, see p. 39. note f. Of the other two, Allen has never been claimed as a witness by any defender of the story; nor Parsons as a writer, unless by a mistake for Fitzherbert, who wrote a Preface to a posthumous work of his (see p. 39. note f.) He is *said* by Talbot (Null. of Prel. Clergy, c. viii. § 6. p. 76.) to have avowed his belief in it in conversation; which is very possible, as he died in 1610 (Wood, Athen. Oxon. vol. ii. p. 79.).]

[b] [The title of the edit. of 1586 (8vo. Ingolst.) is "Nic. Sanderi De Origine ac Progressu Schismatis Anglic. Libri Tres; quibus historia continetur maxime ecclesiastica, annorum circiter sexaginta, lectu dignissima; nimirum ab anno 21 regni Hen. VIII, quo primum cogitare cœpit de repudianda legitima uxore serenissima Catherina, usque ad hunc vigesimum octavum Elizabethæ," &c. The book was printed first at Cologne in 1585, at Rome 1586, at Ingolstadt 1586, 1588, &c.]

truths to their advantage, but of devising fables to their prejudice.

He, having related the form of our English consecrations, partly true and partly false, proceedeth to this first ordination of Protestant Bishops in the beginning of Queen Elizabeth's reign; alleging, that "the Catholic Bishops refused to impose hands upon them," and that "they had not of themselves two or three Bishops, or so much as one Metropolitan[c]." What a shameful untruth is this, that there were not "two or three" Protestant Bishops, when the Queen's commission under the Great Seal of England, recorded in the Rolls, is directed to seven Protestant Bishops, expressly by their names and titles[d]!

He addeth, that "they were very instant with an Irish Archbishop to have presided at their ordination, but he would not[e]." He mistaketh the matter altogether; they might have had seven Irish Archbishops and Bishops, if they had needed them;—where the proceedings were not so rigorous, where the old Bishops complied and held their places, and joined in such ecclesiastical acts, until they had made away to their kindred all the lands belonging to their sees. We found one Bishopric reduced to five marks a year by these temporisers, another to forty shillings a year, and all of them to very poor pittances for prelates[f]. But by this means there wanted no ordainers; never did any man question the ordination of the first Protestant Bishops in Ireland until this day.

Then he telleth, how, being thus rejected by the Catholic Bishops and the Irish Archbishop, they applied themselves to "the lay magistrate in the ensuing Parliament for a confirmation, from whence they were called Parliamentary Bi-

[c] [Sander.,] De Schism. Anglic., lib. iii. p. 400, edit. Roman. [p. 348. ed. 1610.]

[d] [See below c. iv. p. 51.]

[e] [Sanders, as before quoted. The Irish Archbishop, whom Sanders does not name, is asserted by Fitzsimon, and by Talbot (Null. of Prel. Clergy, c. vii. § 9. p. 66.), to have been one Richard Creagh, titular Archbishop of Armagh, who "died in the year 1585 (as it is said) in the Tower of London, having been imprisoned there by the State" (Ware's Writers of Ireland, bk. i. p. 97. ed. Harris; —See the Diar. Rer. Gest. in Turri Londin., at the end of Sander., De Schism., under date Jun. 19, 1580; and Bridgwater's Concertatio). But Creagh was not made Archbishop until 1563, and not imprisoned for the first time until 1564, accord. to authorities quoted by Courayer (Déf. de la Diss., liv. ii. c. 2); while Donat-o-Teig, who was consecrated by the Pope to the see of Armagh on the death of Dowdall in 1558, did not come to England until the latter part of 1560 (Couray. ibid.); and the other Irish Archbishops at that time conformed to the established Church.]

[f] [See Life of Bramhall, note F. vol. i. p. xviii.]

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or that invalid which was valid. The validity or invalidity of ordination dependeth not upon human law, but upon the institution of Christ. Neither did we ever, since that Parliament, change one syllable in our form of ordination[h]. Then what was this confirmation which he speaks of? It was only a declaration of the Parliament, that all the objections which these men made against our ordinations, were slanders and calumnies; and that all the Bishops which had been ordained in the Queen's time, had been rightly ordained, according to the form prescribed by the Church of England and the laws of the land. These men want no confidence, who are not ashamed to cite this statute in this case. But we shall meet with this Parliament again.

In all this impertinent discourse, where is the fable of the Nag's Head Ordination? It had been a thousand times more material than all this jargon. And you may be sure it had not been missing, if there had been the least grain of truth in it, or if there had but been any suspicion of it when that
[1559—1586.] was written. It was not then full thirty years after Archbishop Parker's consecration, and there were store of eye-witnesses living to have hissed such a senseless fable out of the world. And therefore Sanders, very prudently for himself, after so many intimations, passeth by their ordination in a deep silence, which was the only work he took in hand to shew.—"*Qualescunque fuerint, aut quomodocunque facti sunt isti Pseudoepiscopi,*" &c.—"what manner of persons soever these false Bishops were, or after what manner soever they were ordained[i]," &c. If Bishop Scory had ordained them all at the Nag's Head, by laying a Bible upon their heads,

[g] [Sanders, as before quoted; referring to the 8 Eliz. c. 1. See below c. vii.]

[h] [It is perhaps hardly necessary to say, that this was written before 1661.]

[i] [Sanders, as before quoted. See below c. viii. p. 470 (fol. edit.).]

and this form of words, "Take thou authority to preach the word of God sincerely," Mr. Sanders needed not to have left the case so doubtful, how they were ordained. And if there had been the least suspicion of it, he would have blown it abroad upon a silver trumpet; but, God be thanked, there was none. The universal silence of all the Romish writers of that age, when the Nag's Head Ordination is pretended to have been done, in a case which concerned them all so nearly, and which was the chief subject of all their disputes, is a convincing proof to all men, who are not altogether possessed with prejudice, that either it was devised long after, or was so lewd a lie, that no man dared to own it, whilst thousands of eye-witnesses of Archbishop Parker's true consecration at Lambeth were living.

III. The third reason [against it;—from the strictness of our laws.]

III. A third reason against this ridiculous libel of the Nag's Head Consecration, is taken from the strictness of our laws; which allow no man to consecrate, or be consecrated, but in a sacred place, with due matter and form, and all the rites and ceremonies prescribed by the Church of England. No man must be consecrated by fewer than four Bishops, or three at least, and that after the election of the Dean and Chapter is duly confirmed, and upon the mandate or commission of the king under the Great Seal of England, under the pain of a *præmunire*, that is, the forfeiture of lands, and goods, and livings, and liberty, and protection[k]. They allow not consecration in a tavern, without due matter and form, without the ceremonies and solemnity prescribed by the Church, without election, without confirmation, without letters patent, by one single Bishop, or two at the most; such as they feign the Nag's Head Ordination to have been. Who can believe, that two Archbishops, and thirteen Bishops, having the reputation of learning and prudence, should wilfully thrust themselves into an apparent *præmunire*, to forfeit not only their Archbishoprics and Bishoprics but all their estates and all their hopes, for a fantastic form and scandalous consecration; when the Queen and kingdom were favourable to them, when the form prescribed by the Church did please them well enough, when there were Protestant Bishops of their own communion enough to consecrate them,

[k] 25 Hen. VIII. c. 20. [§ 7.]

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when all the churches in the kingdom were open to them? unless it had been Midsummer-Moon in December, and they were all stark mad, and then it is no matter where they were consecrated.

In criminal causes, where things are pretended to be done against penal laws, such as this is, the proofs ought to be clearer than the noon-day light. Here is nothing proved,—but one single witness named,—and he a professed enemy—who never testified it upon oath—or before a judge—or so much as a public notary—or to the face of a Protestant,—but only whispered it in corners (as it is said by adversaries) among some of his own party. Such a testimony is not worth a deaf nut, in any cause between party and party. If he had been a witness beyond all exception, and had been duly sworn, and legally examined, yet his testimony in the most favourable cause had been but half a proof. Though a hundred did testify it from his mouth, it is still but a single testimony. And as it is, it is plain prittle prattle, and ought to be valued no more than 'the shadow of an ass.' To admit such a testimony, or a hundred such testimonies, against the public authentic records of the kingdom, were to make ourselves guilty of more madness than they accuse the Bishops of. If St. Paul forbid Timothy to "receive an accusation" against a single presbyter "under two or three witnesses," he would not have us to condemn fifteen Bishops of such a penal crime upon a ridiculous rumour, contrary both to the laws and records of the kingdom. The severity of our laws doth destroy the credit of this fable. 440

[1 Tim. v. 19.]

CHAPTER IV.

THE FOURTH AND FIFTH REASONS AGAINST THIS IMPROBABLE FICTION; FROM THE NO NECESSITY OF IT, AND THE LESS ADVANTAGE OF IT.

IV. [Fourth reason against the Nag's Head Consecration;—from the want of necessity for it.]

IV. My fourth plea is, because there was no need to play this counterfeit pageant. We use to say, necessity hath no law, that is, regardeth no law. In time of war the laws are silent. But this was a time of peace. First, there could be no necessity why they should have a clandestine consecration, without a register or public notary, when they

might have had an army of public notaries ready upon their whistle, even under their elbows at Bow's Church, out of the courts of the Arches, and the Audience, and Prerogative. Secondly, there was no necessity why they should anticipate the Queen's letters patents for their consecration, by whose gracious favour they were elected; and of the accomplishment whereof in due time they could not doubt, unless they would wilfully destroy their own hopes by such a mad prank as this had been; that is, unless they would themselves hew down the bough whereupon they stood. Thirdly, there was no necessity that they should choose a common tavern for the place of their consecration, when the keys of all the churches in the kingdom were at their command. Fourthly, there could be no necessity why they should desert the form of ordination prescribed by the law, which was agreeable both to their judgments, and to their desires, and to their duties; and to omit the essentials of ordination, both matter and form, which they knew well enough, to be consecrated after a new brain-sick manner[1].

[No want of a competent number of ordainers.]

Then all the necessity which can be pretended, is want of a competent number of ordainers. Suppose there had been such a necessity to be ordained by two Bishops, or by one Bishop, this very necessity had been a sufficient dispensation with the rigour of the canons, and had justified the act. As St. Gregory pleadeth to Augustin, "In the English Church, wherein there is no other Bishop but thyself, thou canst not ordain a Bishop otherwise than alone[m]." And after this manner our first English Bishops were ordained. And so might these Protestant Bishops have been validly ordained, if they received the essentials of ordination. But what a remedy is this,—because they could not have a competent number of Bishops according to the canons of the Church and the laws of England, therefore to reject the essentials of ordination, for a defect which was not essential, and to cast off obedience to their superiors, both civil and ecclesiastical? This had been just like little children, which because they cannot have some toy which they desire, cast away their gar-

[1] ["Why should a rich man steal?" is Fuller's comment upon the story in his Church History, bk. ix. sect. i. § 27.]

[m] Resp. ad Interrog. 8vam Augustin. [ap. Spelm., Concil, tom. i. p. 98, from Bede, Hist. Eccl., lib. i. c. 28.—See Mason, bk. i. cc. 4—8. bk. ii. c. 6.]

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ments, and whatsoever their parents had provided for them. Want of three Bishops might in some cases make a consecration illegal or uncanonical, but it could not have rendered it invalid, as this silly pretended ordination had.

But now I come up close to the ground-work of the fable, and I deny positively that there was any such want of a competent number of Bishops, as they pretend. And for proof 441
hereof, I bring no vain rumours or uncertain conjectures, but the evident and authentic testimony of the Great Seal of England, affixed to the Queen's letters patents for authorising the confirmation and consecration of Archbishop Parker, dated the sixth day of December, anno 1559, directed to seven Protestant Bishops, namely, Anthony Bishop of Llandaff, William Barlow sometimes Bishop of Bath and Wells and then elect Bishop of Chichester, John Scory sometimes Bishop of Chichester then elect Bishop of Hereford, Miles Coverdale sometimes Bishop of Exeter, John Suffragan Bishop of Bedford, John Suffragan Bishop of Thetford, and John Bale Bishop of Ossory in Ireland[n]. Three are a canonical number; if there were choice of seven, then there was no want of a competent number to ordain canonically. I add, that if it had been needful, they might have had seven more out of Ireland, Archbishops and Bishops, for such a work as a consecration. Ireland never wanted store of ordainers; nor ever yet did any man object want of a competent number of consecraters to an Irish Protestant Bishop. They who concurred freely in the consecration of Protestant Bishops at home, would not have denied their concurrence in England, if they had been commanded. Which makes me give no credit to that vain report, of an Irish Archbishop prisoner in the Tower, who refused to comply with the desires of the Protestant Bishops, "for his liberty and a large reward[o]." But the Archbishop wanteth a name, and the fable wanteth a ground; the witnesses and persuaders are all unknown. And

[n] Rot. [Patent.] 2. Elizab., P. 14. [m. 6: in Rymer, tom. xv. pp. 549, 550. See below in c. v. and Courayer's Déf. de la Dissert., liv. ii. c. 1.]

[o] [Sander., De Schism. Anglic., lib. iii. p. 349. ed. 1610. See above p. 47. note e. Of the Irish Bps., only two were deprived at the accession of Qu. Eliz., two more resigned their sees (it does not appear why) eight and thirteen years after, and eleven are *known* to have retained their sees until their deaths. See, in addition to Courayer, Mant, Hist. of Ch. of Irel., vol. i. Append. num. 2. 2nd edit.]

if there had been a grain of truth in this relation, yet in this case one man is no man; one man's refusal signifieth nothing.

Against the evident truth of this assertion, two things may be opposed out of the relation of these Fathers.—

[1. Of the Bishop of Llandaff in particular.]

The first is particular, concerning the Bishop of Llandaff;— that he was no Protestant, but a Roman Catholic until his death. So they say indeed; [and withal] that "he was the only man of all the Catholic Bishops that took the oath of supremacy[p]."

Observe how prejudice and partiality doth blindfold men of learning and parts; they confess he took the oath of supremacy, and yet esteem him a good Roman Catholic. I see, censures go by favour; and one may steal a horse better than another look over the hedge. I am well contented, that they reckon him for so good a Catholic.

They add, that "he knew Parker and the rest which were to be ordered Bishops to be heretics, and averse from the doctrine of the" (Roman) "Catholic Church, which he constantly adhered unto (the supremacy only excepted) during his life." And a little after they tell us, that "he desired to be numbered among Catholics."

Now what if the Bishop of Llandaff after all this should prove to be a Protestant? Then all the Fathers' story is quite spoiled. And so he was. If he knew Parker and the rest to be heretics, he knew himself to be one of their brother heretics. His daily mass was the English Liturgy, as well as theirs; he adhered constantly to a Protestant Bishopric during his life, as well as any of them; and if he did not hold it as long as any of them, it was death's fault, and none of his fault.

They say "they prevailed with him to give them a meeting at the Nag's Head in Cheapside, where they hoped he would ordain them Bishops, despairing that ever he would do it in a church, because that would be too great and notorious a scandal for Catholics." They were too modest. They might easily have prevailed with him, or have had him commanded, to join in their consecration in a church, after a legal manner.

[p] [Antony Kitchin alias Dunstan, Bishop of Llandaff from 1545 until his death in 1563, was (according to Godwin) "Pontificiæ doctrinæ addictissimus" (whence probably it was that he did not actually assist at Parker's consecration). However, he retained his Bishopric, and therefore (besides the oath of supremacy) must have complied in all points.]

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Here Bishop Bonner steppeth upon the stage, and had well near prevented the whole pageant, by sending his "chaplain to the Bishop of Llandaff, to forbid him under pain of excommunication to exercise any such power of giving orders in his diocese, wherewith the old man being 442
terrified, and otherwise moved in conscience, refused to proceed."

Bishop Bonner was always very fierce, which way soever he went. If Acworth say true, he escaped once very narrowly in Rome, either burning or boiling in scalding lead, for being so violent before the assembly of Cardinals against the Pope on the behalf of Henry the Eighth, if he had not secured himself by flight[q]. Afterwards he made such bonfires of Protestants, and rendered himself so odious, that his prison was his only safeguard from being torn in pieces by the people[r]. But that was "*Dum stetit Ilium et ingens gloria Teucrorum*[s]," —whilst he had his prince to be his second. Now he was deprived, and had no more to do with the Bishopric of London than with the Bishopric of Constantinople. He had the habitual power of the Keys, but he had no flock to exercise it upon. [And, secondly,] if he had continued Bishop of London still, what hath the Bishop of London to do with the Bishop of Llandaff? '*Par in parem non habet potestatem.*' Thirdly, Bow's Church, which is near the Nag's Head, wherein the ecclesiastical part of this story, so far

[q] Acworth, Cont. Monarch. Sander., lib. [ii.] p. 195. [Lond. 1573.]

[r] [Andrewes, Tortura Torti, p. 147. Lond. 1609;—Godwin, De Præsul., in Vitâ Boneri:—Strype, Annals, I. i. 214.]

[s] [Virg., Æn., i. 268. ii. 325, 326.]

as it hath any truth in it, was really acted (that is, the confirmation of Archbishop Parker's election), though it be in the city of London, as many churches more, is not in the diocese of London, but a peculiar under the jurisdiction of the Archbishop of Canterbury [t].

Lastly, the Fathers say, that "when Parker and the rest see that he had refused, they reviled the poor old man, calling him doating fool, and some of them saying, This old fool thinketh that we cannot be Bishops, unless we be greased [u]."

The contrary is evident by the records of the confirmation, —that Archbishop Parker was not present in person: so this whole narration is composed of untruths, and mistakes, and incongruities, and contradictions.

But that which discovereth the falsity of it apparently to all the world is this, that the Bishop of Llandaff lived and died a Protestant Bishop in the reign of Queen Elizabeth, as he had been formerly in the reign of King Edward; for proof whereof I produce two of their own authors. The one is Sanders,—"But the Bishops, who had been created out of the Church in those most wicked times, who had now repented from their hearts of their schism, being not contented with this common dispensation and confirmation, did each of them particularly crave pardon of their former grievous fault from the See Apostolic, and confirmation in their Bishoprics, excepting the Bishop of Llandaff, who omitting it rather out of negligence than malice, did only relapse into schism in the reign of Queen Elizabeth, as we interpret it, by the just judgment of God [v]." He acknowledgeth, that he became a Protestant again; that is, in their language, "relapsed into schism." The other is cited by Dr. Harding,—"We had only one fool among us" (we see whose livery the fool was), "who now I know not by what enticements is become yours, being unworthy the name of a lord and a Bishop, whose learning is very little, and his credit by this action much

["extra ecclesiam."]

[t] [As "Dean" of the Prov. of Canterbury (which is Holywood's explanation of his story), the Bp. of London had precedence and prerogative, not jurisdiction (Antiq. Brit. Eccl., pp. 20, 21).]

[u] [From Champney. That Parker was confirmed by proxy, see the record of his confirmation &c., printed at length at the end of this Discourse.]

[v] Sander., De Schism. [Anglic.], lib. ii. p. 350, [pp. 260, 261. ed. 1586. Col. Agripp., and p. 307. ed. 1610, at the same place.]

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[Nov. 1562—Nov. 1563.]

lost[w]." Thus writeth Dr. Harding of the Bishop of Llandaff about the fifth year of the reign of Queen Elizabeth, at which time he was living, and continued Protestant Bishop of Llandaff[x].

[2. The ordainers were themselves rightly ordained.]

A second objection against the truth of that which hath been said of the competent number of our Protestant Bishops to make a canonical ordination, is an exception against all the seven Bishops named in the letters patents,—that they were no true Bishops, because all of them were ordained in a time of schism; and two of them in King Edward's time, according to a new form of ordination; and consequently they could not ordain. "That ordination which was instituted by Edward the Sixth, was judged invalid by the Catholics, and so declared by public judgment in Queen Mary's reign, insomuch as leases made by King Edward's Bishops, though confirmed by Dean and Chapter, were not esteemed available, because they were not (saith the sentence) consecrated, nor Bishops[y]."

[Viz. by such as were truly Bishops.]

To the first part of this objection,—that our consecraters were ordained themselves by schismatics or in a time of schism,—I answer three ways.

First, this argument is a mere begging of the question. The case in brief is this. If those branches of Papal power which we cast out of England by our laws at the Reformation, were plain usurpation, then our reformation is but a reinfranchisement of ourselves, and the schism lieth at their door; then they may question the validity of their own ordination upon this ground, not ours. But we are ready to maintain to all the world, that all those branches of Papal

[w] [A "Catholike Bishop," unnamed, quoted by Harding,] Confut. [of the] Apolog. [of the Church of Engl.], Parte vi. c. 2. [fol. 276. b, 277. a. Antw. 1565;—first edit. 1563 (Wood, Dodd); —retranslated by Bramhall from Mason's Latin, Vindic., bk. iii. c. 9. § 2.]

[x] [Kitchin died Oct. 31, 1563, according to Godwin. The date given in Lindsey and Le Neve, viz. 1566, is taken apparently from a misprint in the early editions of Godwin.]

[y] [Treatise of Cathol. Faith &c., from Champney, c. xiii. p. 167 Engl. edit.; who quotes] Brook's Novel Cases [de les Ans et Temps de Roy Hen. 8, Edw. 6, et la Roygne Mary], Placit. 463. [fol. 101. ed. 1604.—Of the seven Bishops named, Barlow was consecrated in 1535 (see below in c. ix.) Hodgkins (of Bedford) Dec. 9, 1537 (Percival, from Regist.), Kitchin May 3, 1545 (id.), Scory and Coverdale (the two above alluded to) Aug. 30, 1551 (id.), Bale Feb. 2, 1552-3 (Ware, Bale's Vocacyon; but see Biogr. Brit.); and John Salisbury (of Thetford) March 19, 1535-6 (Regist., ap. Couray., Déf. de la Diss., Preuves Justif. art. vii. § 5). Barlow, Hodgkins, Scory, and Coverdale, were the actual consecrators of Parker.]

power, which we cast out by our laws at the Reformation, were gross usurpations, first introduced into England above 443 eleven hundred years after Christ. So this part of the objection concerneth them, not us.

Secondly, these Fathers know well enough, and cannot but acknowledge, that according to the principles of the Catholic Church, and their own practice, the ordination not only of schismatics but of heretics, if it have no essential defect, is valid, and the persons so ordained ought not to be reordained, but only reconciled[z]. Many orthodox Christians had their holy orders from heretical Arians. If Cranmer and Latimer and Barlow and Hodgkins were no true Bishops, because they were ordained in a time of schism, then Gardiner and Bonner and Tonstall and Thirlby &c. were no true Bishops, for they were ordained in a time of schism likewise; then Cardinal Pole and Bishop Watson and Christopherson and all the rest of their Bishops were no true Bishops, who were ordained by these. So, to put out one of our eyes, (like the envious man in the fable) they would put out both their own.

Thirdly, I answer, that it was not we who made a discrimination between our Bishops and their Bishops, as to the point of ordination, but the Marian Bishops themselves; who made a mutual compact, one and all, that none of them should impose hands upon any new elected Bishops: thinking vainly, there could no other consecraters have been found out, and that by this means they should both preserve their Bishoprics and bring the Queen to their bent; but they found themselves miserably deceived[a]. Many Bishops, who had been chased out of their Bishoprics in Queen Mary's days, did now return from exile, and supply the place of consecraters. Then "*conjurationis eos penituit*"—"the Bishops repented of their conspiracy;" . . "*multi ad judices recurrunt*," &c.—"many of them ran to the judges, confessed their obstinacy, and desired leave to take the oath of supremacy[b]." Thus writeth Acworth, an author of good

[z] [See Mason, bk. ii. c. 11; Courayer, Dissert. sur la Valid. des Ord. Angl., cc. xiv—xvi, and Thorndike, De Ratione ac Jure Fin. Controv. Eccl., c. 20.]

[a] Acworth, Cont. [Monarch.] Sanderi, lib. ii. [p. 196. See Strype, Annals, I. i. 210.]

[b] [Id., ibid.] p. 197.

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account in those days. If this foolish conspiracy had not been, we had had no difference about our consecrations.

[And with a valid form of ordination.]

To the second part of this objection,—that the form of ordaining used in King Edward's days was declared invalid in Queen Mary's days[c],—I answer,

First, that we have no reason to regard the judgment of their judges in Queen Mary's days, more than they regard the judgment of our judges in Queen Elizabeth's days. They who made no scruple to take away their lives, would make no scruple to take away their holy orders.

Secondly, I answer, that which the Fathers call a "sentence," was no sentence. The word is "*Dicitur*"—"it is said" or "it is reported," not "*decretum est*"—"it is decreed[d]." Neither were Queen Mary's laws proper rules, nor Queen Mary's judges at common law the proper judges, of the validity of an Episcopal consecration, or what are the essentials of ordination according to the institution of Christ. They have neither rules nor grounds for this in the common law.

Thirdly, I answer, that the question in Queen Mary's days was not about the validity or invalidity of our orders, but about the legality or illegality of them; not whether they were conformable to the institution of Christ, but whether they were conformable to the laws of England. The laws of England can neither make a valid ordination to be invalid, nor an invalid ordination to be valid; because they cannot change the institution of Christ. In sum, King Edward's Bishops were both validly ordained according to the institution of Christ, and legally ordained according to the laws of England. But Queen Mary changed the law,—

[c] [The new Ordinal was authorized to be drawn up by the 3 and 4 Edw. VI. c. 12, to come into use April 1, next coming, i. e. 1550;—it was published in March 1549-50; authorized 5 and 6 Edw. VI. c. 1. § 5 (1552); abrogated 1 Mary Sess. 2. c. 2 (1553); restored as part of the Book of Common Prayer 1 Eliz. c. 2. § 3, and expressly 8 Eliz. c. 1. § 3 (renewed 1 Jac. I. c. 25 § 48). See Mason, bk. iii. c. 10. § 11. It was re-authorized (as altered) by Act of Uniformity 13 and 14 Car. II. c. 4. § 2. and again 5 Ann. c. 5. and c. 8. (Act of Union with Scotland).]

[d] ["Dicitur que Evesques in tempore Ed. 6. ne fueront sacres et ideo ne fueront Evesques; et ideo leases par ans per tiels, et confirmes per le Deane et Chapter, ne lyera le successor; car tel ne unques fueront Evesques. Contra de Evesque deprive que fuit Evesque in fait tempore dimissionis" &c. Brook, as before quoted. See Mason, bk. ii. c. 15. § 6; and Couray., Dissert. c. viii, Déf. de la Dissert. liv. iv. c. 9 in fine.]

that that form of ordaining which had been allowed in King Edward's days should not be allowed in her days. Notwithstanding Queen Mary's law, they continued still true Bishops by the institution of Christ, but they were not for that time legal Bishops in the eye of the law of England, which is the Judges' rule. But when Queen Elizabeth restored King Edward's law, then they were not only true valid Bishops, but legal Bishops again[e].

That corollary which the Fathers add,—"insomuch as leases made by King Edward's Bishops, though confirmed by the Dean and Chapter, were not esteemed available, because they were not consecrated or Bishops," that is, in the eye of the English law at that time,—signifieth nothing at all. Leases concern the benefice of a Bishop, not the office of a Bishop. A Bishop who is legally ordained, though he be
444 invalidly ordained, may make a lease which is good in law. And a Bishop which is validly ordained, if he be illegally ordained, may make a lease which is void in law.

Concerning Bishop Bonner's "conscience,"—that he lost his Bishopric for his conscience, and therefore it is not probable that "he would make himself guilty of so much sacrilege as to declare King Edward's form of ordination to be invalid for the profit of new leases,"—it belongeth not to me to judge of other men's consciences. But for Bishop Bonner's conscience, I refer him to the testimony of one of his friends, Nicholas Sanders; who, speaking of Bishop Gardiner, Bishop Bonner, Bishop Tunstall, and the Bishops of Worcester and Chichester, concludeth with these words,—"*Timide ergo restiterunt pueri Regis primatui spirituali, imo simpliciter subscripserunt, et in omnes cæteras innovationes, quæ non videbantur ipsis continere apertam hæresim, ne Episcopatus et honores perderent, vel ultro, vel contra conscientiam coacti, consenserunt*"—"Therefore they resisted the spiritual primacy of the King, being but a boy, faintly, yea, they subscribed to it simply, and they consented to all the rest of the innovations which did not seem to them to contain manifest heresy, either of their own accord, or compelled against conscience, lest they should lose their Bishoprics and honours[f]." We

[e] [See below c. v. pp. 77, &c.]

[f] [Sander.,] De Schism. [Anglic.], lib. ii. p. 282. ed. Rom. [p. 249. ed. 1610.]

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see they had no great reason to brag of Bishop Bonner's conscience, who sometimes had been a great favourite of Cranmer and Cromwell. He got his Bishopric by opposing the Pope, and lost his Bishopric by opposing his Prince. But if reordination be such a sacrilege, many Romanists are guilty of gross sacrilege, who reordain those proselytes, whom they seduce from us, with the same essentials, matter and form, imposition of hands, and these words "Receive the Holy Ghost," wherewith they had been formerly ordained by us.

Lastly, I answer (and this answer alone is sufficient to determine this controversy), that King Edward's form of ordination was judged valid in Queen Mary's days by all Catholics, and particularly by Cardinal Pole, then Apostolical legate in England, and by the then Pope Paul the fourth, and by all the clergy and Parliament of England. The case was this.—

In the Act for repealing all statutes made against the See of Rome in the first and second years of Philip and Mary, the Lords Spiritual and Temporal in Parliament assembled, representing the whole body of the realm of England, presented their common request to the King and Queen, that they would be a means to the legate to obtain some settlements by authority of the Pope's Holiness, for peace' sake, in some articles, whereof this is one; "that institutions of benefices, and other promotions ecclesiastical, and dispensations, made according to the form of the Act of Parliament, might be confirmed[e]." Institutions could not be confirmed, except ordinations were confirmed; for the greatest part of the English clergy had received both their benefices and their holy orders after the casting out of the Pope's usurped authority out of England; and both benefices and holy orders are comprehended under the name of "ecclesiastical promotions." This will appear much more clearly by the very words of the Cardinal's Dispensation;—"*Ac omnes ecclesiasticas seculares seu quorumvis ordinum regulares personas, quæ aliquas impetrationes, dispensationes, concessiones, gratias, et indulta, tam ordines quam beneficia Ecclesiastica, seu alias spirituales materias, prætensâ authoritate supremitatis*

[e] [1 and 2 Philip and Mary, c. 8. § 28.]

Ecclesiæ Anglicanæ, licet nulliter et de facto obtinuerint, et ad cor reversæ Ecclesiæ unitati restitutæ fuerint, in suis ordinibus et beneficiis, per nos ipsos seu à nobis ad id deputatos misericorditer recipiemus, prout jam multæ receptæ fuerunt, secumque super his opportune in Domino dispensabimus"—"And we will graciously receive" (or entertain) "by ourselves, or by others deputed by us to that purpose (as many have already been received), in their orders, and in their benefices, all ecclesiastical persons, as well secular as regular of whatsoever orders, which have obtained any suits, dispensations, grants, graces, and indulgences, as well in their ecclesiastical orders, as benefices and other spiritual matters, by the pretended authority of the supremacy of the Church of England, though ineffectually and only *de facto*, so they be penitent, and be returned to the unity of the Church: and we will in due season dispense with them in the Lord for these things[f]."

Here we see evidently, that upon the request of the Lords spiritual and temporal, and Commons, being the representative body of the Church and kingdom of England, by the intercession of the King and Queen, the Pope's legate did
445 receive all persons, which had been ordained or beneficed, either in the time of King Henry, or King Edward, in their respective orders and benefices, which they were actually possessed of at the time of the making of this dispensation or confirmation, without any exception or condition but only this, that they were returned to the unity of the Catholic Church. Neither was there ever any one of them who were then returned, either deprived of their benefices, or compelled to be re-ordained. From whence I argue thus;—either King Henry the Eighth's Bishops and Priests, and likewise the Bishops and Priests ordained in King Edward the Sixth's time, had all the essentials of Episcopal and Priestly ordination, which were required by the institution of

[f] Cardinal Pole's Dispensation, [in the Statute just quoted, § 32. paragr. 15; and in Strype, Eccl. Mem., vol. iii. Append. num. 22. In reply to this argument of Bramhall, the author of Erastus Senior urges the articles sent by Qn. Mary to Bonner (Foxe, vol. iii. p. 31), one of which permits the Bishop at his discretion, since persons ordained accord. to the ordinal of Edw. VI. are "not ordered in very deed," to "supply that which is wanting in them." For Mason's answer to this when advanced by Champney, see bk. ii. c. 15. § 5, bk. v. c. 14. § 13; and below c. viii. Whatever it may mean, the inference from Pole's conduct, and from the sanction of it by Paul IV., remains unaltered.]

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Christ; and then they ought not to be re-ordained, then (in the judgment of these Fathers themselves) it is a grievous "sacrilege" to re-ordain them: or they wanted some essential of their respective ordinations, which was required by the institution of Christ; and then it was not in the power of all the Popes and legates that ever were in the world, to confirm their respective orders, or dispense with them to execute their functions in the Church. But the legate did dispense with them to hold their orders, and exercise their several functions in the Church, and the Pope did confirm that dispensation. This doth clearly destroy all the pretensions of the Romanists against the validity of our orders.

It may perhaps be objected, that the dispensative word is "*recipiemus*"—"we *will* receive," not, we *do* receive. I answer, the case is all one; if it were unlawful to receive them in the present, it was as unlawful to receive them in the future. All that was done after, was to take a particular absolution or confirmation from the Pope or his legate, which many of the principal clergy did, but not all; no, not all the Bishops, not the Bishop of Llandaff, as Sanders witnesseth[g]; yet he enjoyed his Bishopric; so did all the rest of the clergy, who never had any particular confirmation. It is not material at all, whether they were confirmed by a general or by a special dispensation, so they were confirmed or dispensed with at all, to hold all their benefices, and to exercise their respective functions in the Church, which no man can deny.

Secondly, it may be objected, that it is said in the Dispensation, "*Licet nulliter et de facto obtinuerint*"—"Although they had obtained" their benefices and promotions "ineffectually and only in fact," without right, which doth intimate that their orders were void and null, before they had obtained this dispensation. I answer, that he styled them void and null, not absolutely but respectively; '*quoad exercitium*,' because by the Roman law they might not be lawfully exercised without a dispensation; but not '*quoad characterem*'—'as to the character.' If they had wanted any thing necessary to the imprinting of the character, or any thing essential by the institution of Christ, the Pope's dispensation and confirmation had been but like a seal put

[g] [Sander.,] De Schism., [Anglic.], lib. ii. p. 305. [p. 307. ed. 1610.]

to a blank piece of paper. And so the Cardinal's dispensation in general, and particularly for benefices and ecclesiastical promotions, dispensations, and graces, given by such order as the laws of the realm allowed and prescribed, in King Henry's time and King Edward's time, was then and there ratified by Act of Parliament.

Lastly, that this Dispensation was afterwards confirmed by the Pope, I prove by the confession of Sanders himself, though a malicious enemy,—"He" (that is, Cardinal Pole, in a public instrument set forth in the name and by the authority of the Pope) "confirmed all Bishops which had been made in the former schism, so they were Catholic in their judgment of religion, and the six new Bishoprics which King Henry had erected in the time of the schism. And this writing being affixed to the statute, was published with the rest of the decrees of that Parliament, and their minds were pacified. All which things were established and confirmed afterwards by the letters of Pope Paul the Fourth[h]."

We have seen, that there were a competent number of Protestant Bishops beyond exception to make a consecration; and so the necessity, which is their only basis or foundation of the Nag's Head Consecration, being quite taken away, this prodigious fable having nothing else to support the incredibilities and inconsistencies of it, doth melt away of itself like winter-ice.

446 V. The fifth reason is drawn from that well-known principle in rhetoric—"*Cui bono*,"—or what advantage could such a consecration, as the Nag's Head Consecration is pretended to have been, bring to the consecraters, or the persons consecrated. God and nature never made any thing in vain. The hair of the head, the nails upon the fingers' ends, do serve both for ornament and muniment. The leaves defend the blossoms, the blossoms produce the fruit, which is nature's end. In sensitives, the spider doth not weave her webs, nor the silly bee make her cells, in vain. But especially intellectual creatures have always some end of their actions. Now consider, what good such a mock-consecration could do

V. A fifth reason [against the Nag's Head Consecration; —from the want of advantage in it.]

[h] [Id.,] De Schism. &c., lib. ii. p. 350. [p. 306. ed. 1610. See also the powers received by Pole from Julius III. and the Commission accordingly issued by him, Burnet, Hist. of Reform., Records to Pt. iii. bk. v. numm. 17. 33.]

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the persons so consecrated? Could it help them to the possession of their Bishoprics by the law of England? Nothing less. There is such a concatenation of our English customs and records, that the counterfeiting of any one can do no good except they could counterfeit them all, which is impossible.

[The legal forms for obtaining a Bishopric; how many they are, and how closely connected.]

When any Bishop's see becometh void, there issueth a writ out of the exchequer to seize the temporalties into the king's hand, as being the ancient and well-known patron of the English Church, leaving the spiritualties to the Archbishop, or to the Dean and Chapter, according to the custom of the place.

Next, the king granteth his *Congé d' Eslire*, or his licence to choose a Bishop, to the Dean and Chapter; upon the receipt of this licence, the Dean and Chapter, within a certain number of days, choose a Bishop, and certify their election to the king under the common seal of the Chapter.

Upon the return of this certificate, the king granteth out a commission under the Great Seal of England to the Archbishop, or in the vacancy of the Archbishopric, to so many Bishops, to examine the election; and if they find it fairly made, to confirm it; and after confirmation, to proceed to the consecration of the person elected, according to the form prescribed by the Church of England. This commission or mandate must pass both through the Signet-office and Chancery, and be attested by the clerks of both those offices, and signed by the Lord Chancellor and Lord Privy Seal, and be enrolled[i]. So as it is morally impossible there should be any forgery in it.

Upon the receipt of this mandate, the Bishops who are authorised by the king, do meet first at Bow's Church in London, where with the assistance of the chief ecclesiastical judges of the realm, the Dean of the Arches, the Judges of the Prerogative and Audience, with their registers to actuate what is done, they do solemnly in form of law confirm the election. Which being done, and it being late before it be done, the commissioners and judges were and are sometimes invited to the Nag's Head to a dinner, as being very near Bow's Church, and in those days the only place of note. This meeting led Mr. Neale (a man altogether unacquainted

[i] [27 Hen. VIII. c. 11. § 1—3. See Mason, bk. iii. c. 18. § 3.]

with such forms) into this fool's paradise; first, to suspect, and upon suspicion to conclude, that they were about an ordination there; and, lastly, to broach his brainsick conceits in corners, and finding them to be greedily swallowed by such as wished them true, to assert his own drowsy suspicion for a real truth. But the mischief is, that Dr. Parker who was to be consecrated, was not present in person, but by his proxy.

After the confirmation is done, commonly about three or four days (but as it happened in Archbishop Parker's case, nine days), the commissioners proceed to the consecration; for the most part, out of their respect to the Archbishop, in the Chapel at Lambeth; with sermon, Sacrament, and all solemnity requisite, according to the form prescribed by the Church of England; in the presence of public notaries or sworn officers, who reduce every thing that is done with all the circumstances into acts, and enter them into the register of the see of Canterbury; where they are carefully kept by the principal officer in a public office, as records; where every one who desireth, may view them from time to time, and have a copy of them if he please. And it is to be noted, that at any consecration, especially of an Archbishop, great numbers of principal courtiers and citizens are present; so as it is no more possible to counterfeit such a consecration, than to walk invisible upon the exchange at noon-day. [Dec. 9—Dec. 17.]

After the consecration is done, the person consecrated is
447 not presently admitted to his Bishopric. First, the Archbishop maketh his certificate of the consecration with all the circumstances of it, under his Archiepiscopal Seal; thereupon the king taketh the new Bishop's oath of fealty, and commands that he be put into the actual possession of his Bishopric; then he is inthroned, and at his inthronization his ordination is publicly read; then he enjoyeth his spiritualties; then issueth a writ out of the exchequer to the sheriff, to restore him to the temporalties of his Bishopric. This custom is so ancient, so certain, so general, that no Englishman can speak against it[k].

[k] [For the legal forms and requisites of admission to an English Bishopric, see 25 Hen. VIII. (A.D. 1533) c. 20. (repealed 1 and 2 Phil. and Mary, c. 8. § 9, 11, revived 1 Eliz. c. 1. § 7, and still in force), and Gibson's Codex, tit. V. cc. i, iii, iv. pp. 107, &c., with Append. sect. I. Such writs as con-

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[All of them necessary to give possession of a Bishopric.]

Here we see evidently how all things do pursue one another, and what a necessary and essential connection there is between them. So as the stealing of an election, or the stealing of a consecration, can get no man a Bishopric; as Mr. Neale dreamed. He that would advantage himself that way, must falsify all the records, both ecclesiastical and civil. He must falsify the records of the Chancery, of the Signet Office, of the Exchequer, of the registries, of the Bishop, of the Dean and Chapter. He must counterfeit the hands and seals of the King, of the Archbishop, of the Lord Chancellor, the Lord Privy Seal, of the clerks and public notaries; which is not imaginable. If Mr. Neale, who first devised this drowsy dream (or somebody for him), had had more experience of our English laws and customs, he would have feigned a more probable tale, or have held his peace for ever.

[Such a consecration as that supposed, both useless and ruinous to the agents in it.]

Answer me;—they who are calumniated to have had their consecration at the Nag's Head, did they mean to conceal it and have it kept secret? Then what good could it do them? '*De non existentibus et non apparentibus eadem est ratio.*'—If it were concealed, it was all one as if it had never been. Or did they mean to have it published? Such an ordination had been so far from helping them to obtain a Bishopric, that it had rendered them uncapable of a Bishopric for ever; and moreover subjected both the consecraters and the consecrated

cern the state, may be found in Rymer, passim. See also Mason, bk. iv. c. 13; and Percival, On the Apostol. Success., Append. (E), and a full list of the forms, &c., usual or requisite, at the end of the first of the two Tables appended to this Discourse. The above statute (besides the limitation of the time of election to 12 days after receipt of the Congé d' Eslire under pain of lapse of right of nomination to the king, and of both election and confirmation, &c., to 20 days after the same period under pain of a *præmunire*) introduced two main alterations: 1. it abolished all Papal Bulls whatsoever; 2. it substituted (which Bramhall has omitted to mention) a Royal letter missive, to be sent to the Chapter with the Congé d' Eslire, "containing the name of the person whom they shall elect," under pain of a *præmunire*. For an account of the previous method of electing a Bishop in England, see Blackst., bk. i. c. 11;—Collier, Ch. Hist., Pt. ii. bk. iv. vol. ii. pp. 236, 237, and Records num. 57 (who is wrong however in dating the origin of the Congé d' Eslire itself in 1533);—Antiq. of Canterb. by Somner and Battely, Pt. ii. cc. v, vi.—and Brett, Acc. of Ch. Gov., cc. xix—xxi. 1 Edw. VI. c. 2. abolished the whole form of election by Dean and Chapter, and substituted collation by Royal letters patents (which was only the alternative in King Henry VIII.'s Act, if the Chapter outran the twelve days without electing); but was repealed 1 Mary Sess. 2. c. 2; and upon the repeal of this last-named Act by 1 Jac. I. c. 25. § 48, was held not to be revived, as being also sufficiently repealed by another Act, viz. 1 Eliz. c. 1. § 7. See Gibson, tit. V. c. ii. pp. 113, 114; and Collier, as above quoted.]

to deprivation, and degradation, and a *præmunire*, or forfeiture of their lands, goods, and liberties, and all that were present at it to excommunication. Rome is a fit place wherein to publish such ludibrious fables as this; where they can persuade the people, that the Protestants are stupid creatures, who have lost their religion, their reason, and scarcely retain their human shapes[1]. It is too bold an attempt, to obtrude such counterfeit wares in England.

CHAP. V.

THE SIXTH AND SEVENTH REASONS; THAT ALL THE RECORDS OF ENGLAND ARE DIAMETRALLY OPPOSITE TO THEIR RELATION, AND DO ESTABLISH OUR RELATION.

HITHERTO we have been taking in the outworks: now I come directly to assault this castle in the air. That which hath been said already, is sufficient to persuade any man, who is not brimful of prejudice and partiality: the other five reasons which follow next, have power to compel all men, and command their assents.

VI. My sixth reason is taken from the diametral opposition which is between this fabulous relation of the Nag's Head Ordination, and all the records of England, both ecclesiastical and civil. [VI. Sixth reason against the Nag's Head Consecration;—that it contradicts the records.]

First, for the time. The Romanists say, that this ordination was before the ninth of September, anno 1559[m]; but it is apparent by all the records of the Chancery, [that] all the distinct letters patents or commissions for their respective confirmations and consecrations, whereupon they were consecrated, did issue out long after; namely, Archbishop Parker's letters patents (which were the first) upon the sixth day of December following; next the commissions for Grindal, Cox, and Sandes; then for Bullingham, Jewel, and Davis; then for Bentham and Barkley; and in the [1. In the date assigned.]

[1] [Compare Andrewes, Tortura Torti, § 2.] p. 152; quoted by Mason, bk. iii. c. 8.

[m] [See above p. 43.]

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year following, for Horne, Alley, Scambler, and Pilkington[n]. He that hath a mind to see the copies of these commissions, may find them recorded *verbatim* both in the rolls of the Archbishop's register, and in the rolls of the Chancery. To what end were all these letters patents, to authorise so many 448
confirmations and consecrations, if the consecrations were done and past long before? No man's election can be confirmed in England but by virtue of the king's letters patents. Therefore the letters patents must precede the confirmation and consecration, not follow after it three months, or four months, or six months, and in some of them above a year. And as by the records of the Chancery, so their relation is proved to be a notorious fable by all the ecclesiastical records; first, of their several and distinct confirmations, which pursued their commissions punctually; then of their several and distinct consecrations, which pursued their confirmations punctually. He who desireth to see these, may find authentic records of them all, both confirmations and consecrations, in the register of the Archbishop of Canterbury[o]. It is not the forging of one record that would serve the turn: either all these records must be forged, or the Nag's Head Ordination is a silly senseless fable. Lastly, after the consecration followeth the instalment or inthronization, which is to be found in the register of the Dean and Chapter: and the restitution of the new Bishop to his temporalties by virtue of the king's writ, mentioning the confirmation and oath of fealty to the king, as being temporal things. Observe how every one of these do pursue another. Archbishop Parker's commission issued December the sixth, his confirmation followed December the ninth, his consecration December the seventeenth, his inthronization forthwith, and the restitution to his temporalties the

[n] Rot. [Patent.] 2 Eliz., P. 14. [m. 5, 6;—P. 7. m. 3;—P. 9. m. 33;—P. 11. m. 8; printed in Rymer, tom. xv. The originals are in the Rolls' Chapel. Bramhall quotes from Mason (bk. iii. c. 8. § 12); who has reckoned the years according to the old style, has followed the order of the *consecrations*, which differs from that of the commissions, and has omitted several of the Bishops named by Champney (see p. 43, note s), reciting indeed only the twelve names above given instead of the "fourteen" (besides Parker) of whom he himself speaks (from Champney) in the same passage. The dates of the several acts (with a summary of the evidence) in the case of each Bishop, will be found in the first of the two Tables added at the end of this Discourse.]

[o] [See the 1st Table at the end of this Discourse.]

[twenty] first of March ensuing, that is, at the latter end of the very next term[p]. But, by their relation, the consecration was long before the election was confirmed, which cannot be: the letters patents, to license the confirmation and consecration, come out three months after the consecration was done, which is incredible: as for the confirmation, Mr. Neale, who was their contriver, knew not what it was: the instalment followed three months after the consecration, and the restitution to the temporalties six months after; which have no probability.

[2. In the place.] Thus for the time, next for the place. Their lying relation saith, the elected Bishops were consecrated at the Nag's Head: all the ecclesiastical records say, they were consecrated at Lambeth. The king's commission enjoineth a legal consecration according to the form prescribed by law: such a legal consecration ours at Lambeth was; such a legal consecration theirs at the Nag's Head was not, neither for the place, nor for the rites, nor for the essentials of consecration. And without good assurance that the consecration was legal, neither the person consecrated could have been inthroned, nor made his oath of fidelity to the king, nor have been restored to his temporalties; but he was inthroned, and did his fealty, and was restored to his temporalties; that is as much as to say, that his consecration was legally performed at Lambeth, not illegally at the Nag's Head.

[3. In the consecrater.] Thirdly, for the consecrater. That fabulous relation feigneth, that there was but one consecrater, or at the most two[q]: the authentic records of the Church of England testify, that there were four consecraters. The letters patents require that there should be four consecraters; and without an authentic certificate, that there were four consecraters, the king's writ for restitution had not issued.

They feign, that they imposed hands mutually; Scory upon them, and they upon Scory[r]: but the records witness, that Scory was solemnly ordained Bishop in King Edward's

[p] [The last words of this clause, and the last paragraph of this chapter, shew, that Bramhall must have written, agreeably to the date of the writ (see Table before referred to), not "the first," but the *twenty*-first, of March. Strype (Parker, bk. ii. c. 1.) has made the same mistake (probably from Bramhall). See, for the other dates, the Record extracted from Parker's Register, at the end of this Discourse; and the Table before referred to.]

[q] [See above p. 42. note l.]

[r] [See above p. 42. note k.]

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time, the thirteenth day of August anno 1551, by the Archbishop of Canterbury, the Bishop of London, and the suffragan Bishop of Bedford[s]; and needed not to be reordained at the Nag's Head.

[4. In the persons consecrated.]

Lastly, for the persons consecrated. Some of them feign that all the elected Bishops, and all of them say that many of them, were consecrated together at one time with Archbishop Parker[t]: but all the records, both civil and ecclesiastical, do testify the contrary;—that they had several commissions, several confirmations, several consecrations, upon several days, in several months, in several years, [by] several consecraters; as appeareth most evidently, not only by the

[s] Regist. Cranm., fol. 334. [John Scory was consecrated Bishop of Rochester by Thomas (Cranmer, Archbishop of) Canterbury, Nicholas (Ridley, Bishop of) London, and John (Hodgkins, Suffragan Bishop of) Bedford, Aug. 30, 1551, at Croydon: from Cranmer's Register, fol. 333. In recording the consecration of Coverdale (on the same day, by the same consecraters, before the same witnesses—one excepted,—the sermon also being on the same text), the registrar has given *Lambeth* as the place of consecration; obviously from an inadvertent copying of the two records preceding Scory's, where Lambeth was really the place. "*Thirteenth*" in the text must be a mistake of the pen. It may serve to shew the ignorance of the defenders of the Nag's Head fable, that Champney denies Scory to have had "any consecration" at all, while Harduin suggests, that Bp. Scory of Rochester, and the Bp. Scory of Chichester who was translated in 1559 to the see of Hereford, were different persons. For proofs corroborative of the Register above given, and of the identity of the Bishop of the two sees, there are, 1. the letters patents collating Scory to the see of Rochester (accord. to 1 Edw. VI. c. 2, then in force), dated April 26, 1551, and the significavit directing his consecration, dated April 27, 1551 (the latter recited in the Register), printed from the Rolls in Rymer (tom. xv. pp. 256—258); the name being misspelt "Storye" in both cases, by a mistake of Rymer's, the original documents giving it correctly (certificate to that effect in Couray., Déf. de la Diss., Pr. Just., art. xvii. § 3): 2. the letters patents translating Scory of Rochester to the see of Chichester, dated May 23, 1552 (he was "made"—i. e., it should seem, selected by the king to be,—"Bp. of Chichester" May 10, accord. to Edw. VI., Journal, in Burnet, Records Pt. II. bk. ii. num. 1. p. 76—the name being either misspelt or misprinted as it is in Rymer), and the remission by the king to him, as Bp. elect of that see, of first-fruits and tenths, dated June 4, 1552, in Rymer (tom. xv. pp. 303, 304, 306—308); and the act of his installation in that see, taken from the Bishop's Register there, and dated July 9, 1552 (Couray., ibid. Art. vii. § 2): 3. the Congé d'Eslire for the vacant Bishopric of Hereford, dated June 2, 1559 (Rymer, ibid. p. 532); the election July 15, 1559 (Br. Willis, Cathedr.), and the significavit to Abp. Parker Dec. 18, 1559 (Rymer, ibid. p. 551) directing the confirmation, of Scory, "late Bishop of Chichester," in that see, the latter *not* containing (as Rymer has printed it;—certificate to that effect in Couray., ibid., Art. xvii. § 3) the clause directing consecration; the record of his confirmation itself Dec. 20, 1559, in Parker's Regist. (see also Table in Antiq. Brit. Eccl., p. 39); and the restitution of his temporalties, dated March 23, 1559-60 (Rymer, ibid. pp. 574, 575): and, 4. the recognition by Bonner of his episcopal character, in his rehabilitation of him (dated in July 1554—see Couray., Déf de la Dis., liv. iv. c. 9; and Supplem. c. ix. in fin.—ap. Burnet, Records Pt. II. bk. ii. num. 13) upon his putting away his wife; Bonner acting therein as Bishop of the diocese where Scory was at the time residing.]

[t] [See above pp. 42, 43.]

authentic records of the see of Canterbury, but also by the records of the Chancery; and particularly by the several commissions directed expressly to Archbishop Parker, as a Bishop actually consecrated, for the consecration of all the
449 rest; the three first of which commissions or letters patents bear date the eighteenth of December, anno 1559 (that is, the very next day after Archbishop Parker's consecration), for the confirmation and consecration of Grindal, Cox, and Sandes, three of those elected Bishops[u]. He that doubteth of the truth of these letters patents, may find them recorded *verbatim*, both in the Archbishop's registry, and in the Rolls. If they were confirmed and consecrated by Archbishop Parker, then they were not consecrated together with Archbishop Parker, as in that lying relation is affirmed; and with this their subsequent instalments and restitutions do exactly agree[u]. Either all the records of England must be false, or this silly fable of the Nag's Head is a prodigious forgery.

VII. Thus we have seen, how the records of England, civil and ecclesiastical, do contradict this tale of a tub. My seventh reason sheweth, how the same records do confirm and establish our relation.

VII. The seventh reason [against the Nag's Head Consecration; —that the same records confirm our own relation.]

We say, first, that the see of Canterbury being void by the death of Cardinal Pole (who died, as some say, the very same day with Queen Mary, others say, the day following[x]), the Queen granted her *Congé d' Eslire* to the Dean and Chapter of Canterbury to choose an Archbishop. This is clearly proved by the authentic copy of the *Congé d' Eslire* itself in the Rolls.—"*Regina dilectis sibi in Christo Decano et Capitulo Ecclesiæ Metropoliticæ Cantuariensis salutem,*" &c.[y]

[1. The Congé d' Eslire.]

Examinatur

RICHARD BROUGHTON.

[u] [See the end of this chapter, and the Table before referred to.]

[x] [Nov. 17. 1558, "inter horas 5 et 6 matutinas (Antiq. Brit. Eccl., p. 357. ed. Hanov.), "tertiâ noctis horâ" (Godwin).—"Hæc" (Regina) "XVII Kal. Decemb. (i. e., unless it is a mistake, Nov. 15) mane, ille" (Polus) "ad tertiam noctis horam e vitâ migravit, ut non longius quam XVI. horarum inter utriusque obitum intervallum fuerat" (Dudith., transl. of Becatelli's Life of Pole, p. 83. ed. 1690).—Nov. 18, "about 4 in the morning" (Dodd, Ch. Hist., Pt. iii. bk. iii. art. 2).]

[y] Rot. Pat. 1. Eliz., P. 6. [m. 1. (Rymer, tom. xv. p. 536), dated July 18, 1559. See it also from the Archbishop's Register, in the Record, at the end of this Discourse. This and the other papers from the Rolls' Chapel, appear to be among those supplied to Bramhall by Dr. Barwick.]

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[2. The election by the Dean and Chapter.]

2. Secondly, we say, that the Dean and Chapter having received this licence, did choose Doctor Matthew Parker for their Archbishop[z]. This is apparent by the Queen's commission for his confirmation and restitution, wherein there is this clause,—"And the said Dean and Chapter, by virtue of our licence, have chosen our beloved in Christ, Matthew Parker, Professor of Theology, for Archbishop and Pastor to them and the aforesaid Church, as by their letters patents, directed to us thereupon, it appeareth more fully[a]."

[3. The first commission from Queen Elizabeth.]

3. Thirdly, the Queen, accepting this election, was graciously pleased to issue out two commissions for the legal confirmation of the said election, and consecrating of the said Archbishop; the former[b], dated the ninth of September, anno 1559, directed to six Bishops, Cuthbert Bishop of Durham, Gilbert Bishop of Bath, David Bishop of Peterborough, Anthony Bishop of Llandaff, William Barlow Bishop, and John Scory Bishop, in these words:—

"*Elizabeth, Dei gratiâ, Angliæ, &c. Reverendis in Christo Patribus, Cuthberto Episcopo Dunelmensi, Gilberto Bathoniensi Episcopo, Davidi Episcopo Burgi Sancti Petri, Anthonio Landavensi Episcopo, Willelmo Barlo Episcopo, et Johanni Scory Episcopo, salutem. Cum, vacante nuper Sede Archiepiscopali Cantuariensi per mortem naturalem Domini Reginaldi Pole Cardinalis, ultimi et immediati Archiepiscopi et Pastoris ejusdem, ad humilem petitionem Decani et Capituli Ecclesiæ nostræ Cathedralis et Metropoliticæ Christi Cantuariensis, eisdem per literas nostras patentes licentiam concesserimus alium sibi eligendi in Archiepiscopum et Pastorem Sedis prædictæ: ac iidem Decanus et Capitulum vigore et obtentu licentiæ nostræ prædictæ, dilectum nobis in Christo Magistrum Matthæum Parker, Sacræ Theologiæ Professorem, sibi et Ecclesiæ prædictæ elegerint in Archiepiscopum et Pastorem, prout per literas suas patentes, sigillo eorum communi sigillatas, nobis inde directas, plenius liquet et apparet: Nos electionem*

[z] [See the instruments and whole process of the election in the Record at the end of this Discourse. It took place Aug. 1, 1559.]

[a] [This clause is of course in both the commissions, which follow in the text. The same clause in substance is part of the writ of Restitution, given in Rymer, tom. xv. p. 573.]

[b] Rot. [Patent.], 1 Eliz., P. 2. [m. 1. (Rymer, tom. xv. p. 541). For "concesserimus" (p. 72. l. 27), and "incumbant" (p. 73. l. 10), Rymer has printed "concessimus" and "incumbunt." Redgrave, in Suffolk, was then a seat of Sir N. Bacon's (Camd., Britann. vol. ii. p. 91. ed. Gough).]

illam acceptantes, eidem electioni regium nostrum assensum adhibuimus pariter et favorem, et hoc vobis tenore præsentium significamus: Rogantes, ac in fide et dilectione quibus nobis tenemini firmiter præcipiendo mandantes, quatenus eundem Magistrum Matthæum Parker in Archiepiscopum et Pastorem Ecclesiæ Cathedralis et Metropoliticæ Christi Cantuariensis prædictæ, sic ut præfertur electum, electionemque prædictam confirmare, et eundem Magistrum Matthæum in Archiepiscopum et Pastorem Ecclesiæ prædictæ consecrare, cæteraque omnia et singula peragere, quæ vestro in hac parte incumbant officio Pastorali, juxta formam statutorum in eâ parte editorum et provisorum, velitis cum effectu. In cujus rei testimonium, &c. Teste Reginâ apud Redgrave, nono die Septembris, anno regni Elizabethæ, Angliæ, &c., primo."

" Per breve de privato Sigillo."

Examinatur
RI. BROUGHTON.

[Why not executed.]

Now if any man desire a reason why this first commission was not executed, the best account I can give him is this,—that it was directed to six Bishops without an "*aut* [*ad*] *minus*"—"or at the least four of you;" so as if any one of the six were sick, or absent, or refused, the rest could not proceed to confirm or consecrate. And that some of them did refuse, I am very apt to believe, because three of them not long after were deprived[c]. But the reader may note; first, that there

[c] [The canons require three, the statute 25 Hen. VIII. c. 20. requires *four*, consecraters. Consequently the refusal of three out of six Bishops named would *necessitate* the issuing of a fresh commission,—in order to comply with the law: the reluctance of a fourth, Kitchin (if the case was so),—in order to comply with the canons. The first commission therefore was rendered useless, whether the legal objection above mentioned be held good or not. That it would not have been held good in the present case, considering the excessive care taken, is improbable; although one case exists (in the consecr. of Bonner and Heath, from Cranmer's Reg.) where it was disregarded. The three Bishops were,—Cuthbert (Tonstall, Bishop of) Durham, who was not deprived until Sept. 29, 1559 (MS. Bibl. Cotton., ap. Strype, Annals, I. i. 211), and died Nov. 18 of the same year at Lambeth;—acts of jurisdiction by him as Bishop of Durham, are recorded in the Register of the Dean and Chapter of Durham up to Sept. 17 (Couray., Dissert. c. ii.). — Gilbert (Bourne, Bishop of) Bath and Wells, who was not deprived until after Oct. 18, 1559, the date of the commission to tender him the oath of supremacy (Rymer, ibid. p. 545); the Congé d' Eslire for his successor is dated Jan. 11, 1559-60 (Rymer. ibid. p. 561).—and David (Pole, Bishop of) Peterborough, who exercised acts of jurisdiction as Bishop of that see until the end of Sept. 1559 (Couray., as above quoted); the first act of jurisdiction by the Chapter of Canterbury (who held the spiritualties by custom during a vacancy) being dated Nov. 11, 1559 (Wharton, Specim. of Errors &c., p. 151). The general

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were three Protestant Bishops in that first commission;—they who were such punctual observers of the law of England, that they would not proceed to consecrate without a fourth, in the vacancy of both the Archiepiscopal sees, certainly would never give way to a private profane ordination at the Nag's Head by one single Bishop;—and, secondly, that for all their pretended intelligence, our English Romish writers are great strangers to the true passages of those times, knowing nothing but what they hear at Rome, or Rheims, or Douay. If it were otherwise, we should have heard of this commission sooner.

[The second commission from Queen Elizabeth.]

The second letters patents[d], which were executed, were dated the sixth of December following, directed to Anthony Bishop of Llandaff, William Barlow sometimes Bishop of Bath, now elect Bishop of Chichester, John Scory sometimes Bishop of Chichester, now elect Bishop of Hereford, Miles Coverdale sometimes Bishop of Exeter, Richard suffragan Bishop of Bedford, John suffragan Bishop of Thetford, and John Bale Bishop of Ossory in Ireland, in these words;—

"*Regina, &c., Reverendis in Christo Patribus, Anthonio Landavensi Episcopo, Willelmo Barlow quondam Bathoniensi Episcopo, nunc Cicestrensi electo, Johanni Scory quondam Cicestrensi Episcopo, nunc electo Herefordiensi, Miloni Cover-*

commission to tender the oath of supremacy was issued May 23, 1559 (Rymer, ibid. pp. 518, 519) and repeated (with the substitution for laymen of several ecclesiastical commissioners) Oct. 20, 1559 (ibid. pp. 546, 547); but it is certain (from Strype and Wharton as above quoted), that it was not executed either immediately or upon all the Bishops at one time. Stow's assertion, that "the Bishops of York, Ely, and London" (i. e. Heath, Thirlby, and Bonner), "with other to the number of 13 or 14, for refusing to take the oath touching the Queen's supremacie, . . were deprived" in the month of *July* 1559 (Chron., p. 639. ed. 1615),—which is followed by Strype in his life of Parker (bk. i. c. 10) and by Godwin, in speaking of Tonstall, and which has supplied Le Quien and others with one argument against the authenticity of the above commission,—is at once accounted for and proved inaccurate by the detailed account of the case in Strype's Annals and in Wharton—see the 2nd Table at the end of this Discourse.]

[d] [See Rymer, tom. xv. pp. 549, 550, and the Record at the end of this Discourse; the commission being printed in the former from the Rolls, in the latter from the Archbishop's Register. Besides one or two insignificant variations in the spelling of the names (as e. g. "Barlo" for "Barlow" in the Register, and "Osserensi" for "Ossoriensi" in both the Register and Rymer), and the two manifest oversights of Bramhall himself (or of Barwick), noticed in note e, the following differences exist between Rymer and the other two copies;—p. 74. l. 22. "electo" omitted by Rymer (a certificate that the word is in the original Roll, is in Couray., Déf. de la Diss., Pr. Just. art. xvii. § 3.); p. 75. l. 8. "concessimus" in Rymer; l. 13. "eligerint" in Rymer; l. 27. "incumbunt" in both Rymer and Register; l. 29. "ac" for "et" in Rymer; l. 34. "nostri" omitted by Rymer.]

dale quondam Exoniensi Episcopo, Richardo Bedfordensi, Johanni Thedfordensi, Episcopis suffraganeis, Johanni Bale Ossoriensi Episcopo, salutem. Cum, vacante nuper Sede Archiepiscopali Cantuariensi per mortem naturalem Domini Reginaldi Pole Cardinalis, ultimi et immediati Archiepiscopi et Pastoris ejusdem, ad humilem petitionem Decani et Capituli Ecclesiæ nostræ Cathedralis et Metropoliticæ Christi Cantuariensis, eisdem per literas nostras patentes licentiam concesserimus alium sibi eligendi in Archiepiscopum et Pastorem Sedis prædictæ: ac iidem Decanus et Capitulum, vigore et obtentu licentiæ nostræ prædictæ, dilectum nobis in Christo Magistrum Matthæum Parker, Sacræ Theologiæ Professorem, sibi et Ecclesiæ prædictæ elegerunt in Archiepiscopum et Pastorem, prout per literas suas patentes, [sigillo eorum communi sigillatas[e],] nobis inde directas, plenius liquet et apparet: Nos, electionem illam acceptantes, eidem electioni regium nostrum assensum adhibuimus pariter et favorem, et hoc vobis tenore præsentium significamus: Rogantes, ac in fide et dilectione quibus nobis tenemini firmiter præcipiendo mandantes, quatenus vos aut [ad[e]] minus quatuor vestrûm, eundem Matthæum Parker in Archiepiscopum et Pastorem Ecclesiæ Cathedralis et Metropoliticæ Christi Cantuariensis prædictæ sicut præfertur electum, electionemque prædictam confirmare, et eundem Magistrum Matthæum Parker in Archiepiscopum et Pastorem Ecclesiæ prædictæ consecrare, cæteraque omnia et singula peragere, quæ vestro in hac parte incumbant officio Pastorali, juxta formam statutorum in ea parte editorum et provisorum, velitis cum effectu: Supplentes nihilominus supremâ authoritate nostrâ regiâ, ex mero motu et certâ scientiâ nostris, si quid aut in his quæ juxta mandatum nostrum prædictum per vos fient, aut in vobis, aut vestrûm aliquo, conditione, statu, facultate vestris, ad præmissa perficienda, desit aut deerit eorum, quæ per statuta hujus regni nostri aut per leges ecclesiasticas in hac parte requiruntur aut necessaria sunt, temporis ratione et rerum necessitate id postulante. In cujus rei, &c. Teste Reginâ apud Westmonasterium sexto die Decembris, anno regni Reginæ Elizabeth, Angliæ, &c. secundo."

Examinatur RI. BROUGHTON.

[e] [These words, which occur in both the Register and Rymer, and are part of the form of the writ, have been obviously omitted by accident.]

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Before I proceed further, to prevent cavils, I must acquaint the reader, that the suffragan Bishop of Bedford is misnamed Richard in the Rolls[f]; by what mistake or error, after so long time it is folly to inquire. We may conjecture how it might easily, and most probably did, come to pass: but to say positively how it did come to pass,—whether it was the error of the transcriber, or the mistake of him who gave the instructions, or it was no fault at all (he might have two names, as many had, and many have, and own them severally),—is not possible. In the ecclesiastical register of the Church, he is always styled by his right name John, throughout all the acts of the confirmation and consecration of Archbishop Parker. Once his name had been written Richard, but it was corrected[g]; and my friend assureth me, that it is the only word in that long narration which is expunged or interlined; so exact is that record. This is certain, his right name was John, as it is in the register. To this the records of his own consecration, and twenty other records, do bear witness[h]. But as to the validity of the act of ordination, it is not material whether his name were John or Richard, or both, or neither. So he was truly ordained himself, and did truly concur in ordaining, it is no matter how he is styled in the commission, or in the register. Regal commissions are no essentials of ordination. Notarial acts are no essentials of ordination. The misnaming of the Baptizer in a parish register doth not make void the Baptism. When Popes do consecrate themselves (as they do sometimes), they do it by the names of Paul, or Alexander, or Urbanus, or Innocentius; yet these are not the names which were imposed upon them at their Baptisms or at their Confirmations, but such names as themselves have been pleased to assume. 451

But to come to more serious matter.

[f] [i. e. in the second commission for Parker's confirmation &c., above given. In the commission for Hodgkins' own consecration (as a suffragan of the diocese of London; Dec. 3, 1537. Rymer, tom. xiv. pp. 584, 585;—from Rot. Pat. 29 Hen. VIII. P. 5. m. 32), he is called by his right name of John.]

[g] [Viz. in reciting the letters patents, wherein the mistake occurs in the Rolls. See the Record, at the end of this Discourse.]

[h] [That of his own consecration (Dec. 9, 1537), and six others in Cranmer's Register, with eight in Parker's, all indeed in which his name occurs at all, invariably give the name of John.]

There are two differences between these two commissions. The first is an "*aut* [*ad*] *minus*"—"or at the least four of you[i];"—which clause is prudently inserted into all commissions where many commissioners are named, lest the sickness, or absence, or neglect, of any one or more, might hinder the work. The question is, why they are limited to four, when the canons of the Catholic Church require but three. The answer is obvious—because the statutes of England do require four, in case one of the consecraters be not an Archbishop, or deputed by one[j]. Three had been enough to make a valid ordination; yea, to make a canonical ordination; and the Queen might have dispensed with her own laws: but she would have the Archbishop to be ordained both according to the canons of the Catholic Church and the known laws of England.

[Of the dispensative clause in the second commission.]

The second difference between the two commissions is this, that there is a "*Supplentes*" in the latter commission, which is not in the former;—"Supplying by our sovereign authority all defects either in the execution or in the executors of this commission or any of them[k]." The Court of Rome, in such like instruments, have ordinarily such dispensative clauses, 'for more abundant caution,' whether there be need of them or not;—to relax "all sentences, censures, and penalties, inflicted either by the law or by the judge[l]."

But still the question is, to what end was this clause inserted?

[Why inserted.]

I answer, it is end enough, if it serve (as the Court of Rome useth it) for a certain salve to help any latent impediment, though there be none. A superfluous clause doth not vitiate a writing. Some think it might have reference to Bishop Coverdale's "side woollen gown," which he used at the consecration;—"*togâ laneâ talari utebatur*[m]." That was uncanonical indeed, and needed a dispensation for him that used it, not for him who was consecrated. But this

[i] [Above p. 75. l. 20.]

[j] [Viz. 25 Hen. VIII. c. 20. § 5.]

[k] [Above p. 75. l. 28.]

[l] [E. g. in the Bull of Absolution upon the appointment of Cranmer to the Archbishopric of Canterbury;—"A quibusvis excommunicationis, suspensionis, et interdicti, aliisque ecclesiasticis sententiis, censuris, et pœnis, a jure vel ab homine quâvis occasione vel causâ latis, si quibus quomodolibet innodatus existis," &c., "absolvimus." In Mason, bk. iii. c. 7. § 3, and bk. ii. c. 7. § 7, from Cranmer's Register.]

[m] [See the Record at the end of this Discourse.]

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was so slender a defect, and so far from the heart or essence of ordination, especially where the three other consecraters (which is the canonical number) were formally and regularly habited, that it was not worth an intimation under the Great Seal of England. This Miles Coverdale had been both validly and legally ordained Bishop[n], and had as much power to ordain as the Bishop of Rome himself. If he had been Roman-Catholic in his judgment, he had been declared by Cardinal Pole as good a Bishop as either Bonner, or Thirlby, or any of the rest. Others think, this clause might have relation to the present condition of Bishop Barlow and Bishop Scory, who were not yet inthroned into their new Bishoprics. It might be so; but if it was, it was a great 452
mistake in the lawyers who drew up the commission. The office and the benefice of a Bishop are two distinct things; ordination is an act of the key of order, and a Bishop uninthroned may ordain as well as a Bishop inthroned. The ordination of suffragan Bishops, who had no peculiar Bishoprics, was always admitted and reputed as good in the Catholic Church (if the suffragans had Episcopal ordination), as the ordination of the greatest Bishops in the world[o].

[n] [Miles Coverdale was consecrated to the see of Exeter Aug. 30, 1551, by Thomas (Cranmer, Archbishop of) Canterbury, Nicholas (Ridley, Bishop of) London, and John (Hodgkins, suffragan Bishop of) Bedford (Cranmer's Register). See above p. 70. note s. 1. Letters patents collating him to this Bishopric and including restitution of temporalties (according to the stat. of Edw. VI, then in force), dated Aug. 14, 1551, are in Rymer, tom. xv. pp. 283-289. 2. Significavit directing his consecration to the see, Aug. 15, 1551, Rymer, ibid. p. 289. 3. Act of his installation Sept. 11, 1551, ap. Couray., Déf. de la Diss., Pr. Just, art. vii. § 3, from register of diocese. 4. Other Acts from the same Register, in confirmation of the above, are printed in Courayer (ibid.); and a royal license addressed to Coverdale, Bishop of Exeter, dated Sept. 10, 1551, is in Rymer (ibid., p. 289).]

[o] [From the 13th (or earlier) to the 16th century there was in the Engl. Ch. an order of Bishops called suffragans, holding nominal sees (*in partibus infidelium*), Grecian or Asiatic or Jewish, having Episcopal consecration, and assisting frequently in the consecrations of other Bishops (Wharton's Specimen, p. 156), although ordinarily limited to ordination of inferior orders. Henry VIII. in 1534 (26 Hen. VIII. c. 14; repealed 1 and 2 Phil. and Mary c. 8. § 13;—revived by 1 Eliz. c. 1. § 9) converted these suffragans into a species of Chorepiscopi, by giving them English sees (not however invariably in the diocese of which they were suffragans; e. g. Hodgkins himself, who was Bishop of Bedford, in the diocese of Lincoln, was a suffragan of London —Wharton, List of Suffragans, in Nichols' Biblioth. Topogr. vol. vi.); leaving them such power and jurisdiction as they had been before accustomed to have, i. e. Episcopal power, but limited jurisdiction.—See Burnet (Hist. of Reform., vol. i. pp. 319, 320. and Records Pt. I. bk. ii. num. 51);—Bingh. (Orig. Eccl., bk. ii. c. 14. § 13, 14);—Brett, Acc. of Ch. Gov., c. xii. —Mason, bk. iii. c. 10. § 10.—and Lewis' and Pegge's Essays upon the subject in Nichols' Biblioth. Topogr. vol. vi. Collier (Ch. Hist., Pt. ii. bk. ii. vol. ii. pp. 94, 95) has, it seems, confounded the suffragans im-

[Probably to obviate objections to the *legality* of the ordination.]

But since this clause doth extend itself both to the consecration and the consecraters, I am confident that the only ground of it was that same exception, or rather cavil, which Bishop Bonner did afterwards make against the legality of Bishop Horne's consecration; which is all that either Stapleton or any of our adversaries had to pretend against the legality of the ordination of our first Protestant Bishops;—that "they were not ordained according to the prescript of our very statutes[p]."

mediately previous to 26 Hen. VIII. with the ancient Chorepiscopi; and accordingly denies Burnet's assertion, that the latter had been put down by the end of the 9th century. However, both those before and those after Henry VIII.'s Act all possessed the Episcopal character without exception, which it is questioned whether *all* the ancient Chorepiscopi did (Bingh., bk. ii. c. 14. § 2-5—but see Beveridge, Synodic., Annot. pp. 175—177, 190); although there is no question, that *where* they did, their Episcopal acts were as valid as those of a diocesan Bishop.]

[p] [Stapleton, Replic. ad Horni Flatum, c. i. (Op. tom. ii. pp. 839, 840. Paris. 1620), quoted by Champney. See below c. viii; Mason, bk. iii. c. 11; Courayer, Dêf. de la Diss., liv. iii. c. 4; Browne, c. vi. Stapleton's objection, as appears by the Preface to his Replic. (ibid. p. 828), was that answered in the text. Bonner urged another legal objection also. The case was, that Bp. Horne in 1563 (by authority of 5 Eliz. c. 1. § 6, and, as it would seem, under the immediate directions of the Primate and the Government—see Strype's Parker, bk. ii. c. 12) tendered him the oath of supremacy, he being at the time in the Marshalsea, and consequently in Horne's diocese of Winchester; and upon his refusal to take the oath, "certified him into the King's Bench;" that Bonner upon this pleaded in exception to the certificate (besides other points, overruled), that Horne was not Bishop of Winton when he tendered him the oath; and that this exception, as *being sufficient if proved*, was allowed by the Judges (after debate) to go before a jury. In support of his exception, Bonner urged (or intended to urge, for the cause was not tried), that Horne was not "elected, consecrated, *or provided*, according *to the laws of the Catholick Church*, and *the statutes and ordinances of this realm*:" and the statutes specified, were, 1 Mary Sess. 2. c. 2, abrogating Edw. VI.'s Ordinal (the objection noticed in the text, which of course implies an acknowledgment of the fact of Horne's ordination, and by consequence of that of Parker and the other Bishops, by that ordinal); and 25 Hen. VIII. c. 20, requiring as consecraters either an Archbishop and two Bishops or four Bishops, "which the said Dr. Horne had not;" i. e. (as it was explained—see Coke, Instit. Pt. iv. c. 74. pp. 321, 322), whereas Horne was consecrated by Parker and two other Bishops, Parker was not an Archbishop, because, of Parker's own consecraters, three had been deprived, and the fourth, Hodgkins, deposed (1 and 2 Phil. and Mary c. 8. § 13) as a suffragan. The latter is the objection suggested by Bonner himself. The former (which was common among Romanists at the time and afterwards—see e. g. Stapleton as above quoted, in 1567; and Knott, Char. Maint., Pt. i. c. vi. § 22, in 1634) was that upon which the case was actually determined. See Dyer's Reports, Mich. Term an. 6 et 7 Reginæ (Eliz.), p. 234;—Coke's Instit., Pt. iii. c. 2. p. 34. ed. 1648;—"Objections of Edm. Boner against the process," &c. &c., "made eyther before Dr. Rob. Horne," &c., from Foxe's MSS. ap. Strype, Annals, I. ii. 2—8;—MS. Bibl. Cotton. ap. Strype, Parker, bk. ii. c. i.;—Heylin, Eccl. Rest., Reign of Qu. Eliz., pp. 173, 174.—The statute 8 Eliz. c. 1. was passed in consequence of the first named objection, that relating to Edw. VI.'s Ordinal. It declared as stated in the text, the legality of all ordinations by that Ordinal since the beginning of the Queen's reign (as the Convocation had declared their validity in 1562 in the 36th Article since the

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I have set down this case formerly in my Replication to the Bishop of Chalcedon[q]; but to avoid wrangling, I will put it down in the very words of the statute:—"King Edward the Sixth in his time, by authority of Parliament, caused . . the Book of Common Prayer and Administration of Sacraments and other Rites and Ceremonies in the Church of England, to be made and set forth, not only for one uniform order of Service, Common Prayer, and [the] Administration of Sacraments, to be used within [all] this realm, . . but also did add and put to the said Book, a very . . godly order [of the] manner and form, how Archbishops, Priests, Deacons, and Ministers, should from time to time be consecrated, made, and ordered, within this realm[r]." Afterwards it followeth, that "in the time of Queen Mary, . . the several Acts and statutes made in the second, third, fourth, fifth, and sixth years of . . King Edward, for the authorising and allowing of the said Book of Common Prayer and other the premisses, . . were repealed[s]." Lastly, the statute addeth, that by an Act made in the first year of Queen Elizabeth, "entituled an Act for the Uniformity of Common Prayer and Service in the Church, and [the] Administration of Sacraments, the said Book of Common Prayer and [the] Administration of Sacraments, and other the said Orders, Rites, and Ceremonies, before mentioned, and all things therein contained, . . is fully stablished and authorised to be used in all places within the realm[t]."—This is the very case related by the Parliament.

[The form of ordina-

Now the exception of Bishop Bonner, and Stapleton, and

2nd Edw. VI., when the Ordinal was first drawn up), but prohibited all suits (that against Bonner among the rest) consequent upon the refusal to take the oath of supremacy as tendered by any Archbishop or Bishop prior to the last day of the then session. Another legal cavil was started some time after upon the same subject; viz. that the commission for the deprivation of the Bishops in 1559 had not been enrolled, and therefore that their deprivation, and by consequence the appointment of their successors, was not legal; as an answer to which a statute was passed 39 Eliz. c. 8.—See Coke's Instit. Pt. iv. c. 74. pp. 321, 322. Another, from the omission of the style of "Head of the Church," &c., in the writs, is mentioned by Bedell, Answ. to Wadsw. c. xi. p. 145, as the probable motive for the insertion of the dispensative clause in question. Whatever the motive was, the insertion of a clause so likely to occasion cavils, is (as Courayer has observed) a strong presumption of the genuineness of the commission.]

[q] [c. ix. sect. 6.—vol. ii. pp. 274, 275.]

[r] [8 Eliz. c. 1. § 2; referring to 5 & 6 Edw. VI. c. 1.]

[s] [Ibid.; referring to 1 Mary Sess. 2. c. 2.]

[t] [Ibid.; referring to 1 Eliz. c. 2. § 2.]

the rest, was this. "The Book of Ordination" was expressly established by name by Edward the Sixth, and that Act was expressly repealed by Queen Mary; but "the Book of Ordination" was not expressly restored by Queen Elizabeth, but only in general terms, under the name and notion of "the Book of Common Prayer and Administration of Sacraments, and other Orders, Rites, and Ceremonies." Therefore, they who were ordained according to the said form of Ordination in the beginning of Queen Elizabeth's time, were not legally ordained. And those Bishops which had been ordained according to that form in King Edward's time, though they were legally ordained then, yet they were not legal Bishops now, because Queen Mary's statute was still in force, and was not yet repealed.

[The Ordination was expressly abrogated by Queen Mary, and not expressly restored by Queen Elizabeth.]

Is this all? Take courage, reader; here is nothing that toucheth the validity of our ordination, but only the legality of it; which is easily satisfied. First, I answer, that Queen Mary's statute was repealed sufficiently, even as to the Book of Ordination; as appeareth by the very words of the statute which repealed it;—"And that the said Book, with the Order of Service, and of the Administration of Sacraments, Rites, and Ceremonies, . . shall be . . after the feast of St. John Baptist next in full force and effect, any thing" in Queen Mary's statute "of repeal to the contrary in any wise notwithstanding[u]." That the Book of Ordination was a part of this Book, and printed in this Book in King Edward's days, besides the express testimony of the statute in the eighth of Queen Elizabeth, we have the authority of the Canons of the Church of England, which call it singularly "The Book of Common Prayer and of ordering Bishops, Priests, and Deacons[v]." It is our form of prayer upon that occasion, as much as our form of Baptizing, or administering the Holy Eucharist, or our form of confirming, or marrying, or visiting the sick. Secondly, it is also a part of our form of "Administration of the Sacraments." We deny not ordination to be a Sacrament, though it be not one of those two Sacra-
453 ments, which are "generally necessary to salvation." Thirdly, although it were supposed that ordination were no Sacrament, nor "The Book of Ordination" a part of "The Book of

[u] [1 Eliz. c. 2. § 2.]

[v] Can. 36. [Art. 2. Canons of 1603.]

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Common Prayer;" yet no man can deny, that it is a part of our ecclesiastical "Rites and Ceremonies," and under that notion sufficiently authorised. Lastly, '*Ejus est legem interpretari cujus est condere.*'—'They who have legislative power to make a law, have legislative power to expound a law.' Queen Elizabeth and her Parliament made the law; Queen Elizabeth and her Parliament expounded the law, by the same authority that made it; declaring, that under the Book of Common Prayer the form of Ordination was comprehended, and ought to be understood[x]. And so ended the grand cavil of Bishop Bonner and Doctor Stapleton and the rest, of the illegality of our ordination; shewing nothing but this, how apt a drowning cause is to catch hold of every reed.

That the "*Supplentes*," or this dispensative clause, had relation to this cavil (which, as it did break out afterwards into an open controversy, so it was then whispered in corners), is very evident by one clause in the statute;—that "for the avoiding of all questions and ambiguities that might be objected against the lawful confirmations, investing, and consecrations of any Archbishops, Bishops," &c., the Queen "in her letters patents . . had not only used such words . . as had been accustomed to be used by King Henry and King Edward, . . but also . . divers other general words, . . whereby her Highness, by her supreme power and authority, hath dispensed with all causes and doubts of any imperfection or disability that could be objected[y]." The end of this clause and that statute was the same; and this was the only "question" or "ambiguity" which was moved.

Yet, although the case was so evident, and was so judged by the Parliament,—that the form of Consecration was comprehended under the name and notion of "the Book of Common Prayer," &c.,—yet, in the indictment against Bishop Bonner, I do commend the discretion of our judges, and much more

[x] 8 Eliz. c. 1. [§ 3. paragr. 3.]

[y] [Ibid., § 2. paragr. 10. The clause in question occurs *only* in this one commission for Parker, and is the only expression *peculiar* to the writs of the kind between 1559 and 1566; therefore the statute cannot refer to any thing else. And that the clause referred to the legal objection noticed in the text, although not so obvious, is very probable; 1. because the statute did so, as Bonner's case proves; 2. because that objection is known to have occurred in 1559 to Cecil, as appears from the MS. quoted by Strype, Parker, bk. i. c. 9. The words of both the statute and the writ may perhaps also relate to the change of the Royal Style by the omission of the words "Head of the Church" &c.; see above p. 79. note p.]

the moderation of the Parliament[z]. Criminal laws should be "written with a beam of the sun[a]," without all ambiguity.

Lastly, before I leave this third consideration, I desire the reader to observe three things with me. First, that this dispensative [clause] neither hath nor can be construed to have any reference to any consecration that was already past, or that was acted by Bishop Scory alone; as that silly consecration at the Nag's Head is supposed to have been. Secondly, that this dispensative clause doth not extend at all to the institution of Christ, or any essential of ordination, nor to the canons of the universal Church; but only to the statutes and ecclesiastical laws of England—"*Si quid desit aut deerit eorum quæ per statuta hujus regni nostri aut per leges ecclesiasticas requiruntur.*"—Thirdly, that the commissioners authorised by these letters patents to confirm and consecrate Archbishop Parker, did make use of this "*Supplentes*" or dispensative power in the confirmation of the election[b], which is a political act, (as by the words of the confirmation in the next paragraph shall appear), but not in the consecration, which is a purely spiritual act, and belongeth merely to the key of order.

[4. The confirmation of the election.]

4. Fourthly, we say, that by virtue of these letters patents of December the sixth, four of the commissioners therein named did meet in Bow's Church, upon the ninth day of the same month; and then and there, with the advice of the chief ecclesiastical lawyers of the kingdom, the Dean of the Arches, the judges of the Prerogative and Audience, did solemnly confirm the election. This is proved by the record of the confirmation or definitive sentence itself, in these words[c].—

"*In Dei nomine, Amen. Nos Willelmus quondam Bathoniensis et Wellensis Episcopus nunc Cicestrensis electus, Johannes Scory quondam Cicestrensis Episcopus nunc electus Herefordensis, Milo Coverdale quondam Exoniensis Episcopus, et*

[z] [See above p. 79. note p.]

[a] [Tertull., De Resurr. Carn., c. 47. Op. p. 416. A.]

[b] [It was used in the certificate for installation also; as appears by the register. But Bramhall's remark applies to this equally with the Confirmation.]

[c] [See the Citation, Schedules, and Definitive Sentences, &c., at length, in the Record at the end of this Discourse. The extract in the text is an abridgment of the original, and contains besides one or two unimportant variations (as will be seen upon comparison); e. g. "illustrissimæ" for "serenissimæ" (p. 84. l. 2), and "assensu" for "consilio" (ibid. l. 8).]

PART I. *Johannes Bedford Episcopus suffraganeus, mediantibus literis commissionalibus illustrissimæ Reginæ fidei Defensatricis,*" &c. 454
"*Commissionarii, cum hac clausulâ, videlicet, 'una cum Johanne Thetfordensi suffraganeo, et Johanne Bale Ossoriensi Episcopo,' et etiam cum hac clausulâ, 'Quatenus vos aut ad minus quatuor vestrûm,' necnon et hac adjectione 'Supplentes nihilominus, &c.;' . . specialiter et legitime deputati,*" &c.—"*Idcirco nos commissionarii regii antedicti, de et cum assensu jurisperitorum, cum quibus in hac parte communicavimus, prædictam electionem supremâ authoritate dictæ Dominæ nostræ Reginæ nobis in hac parte commissâ confirmamus: supplentes ex supremâ authoritate regiâ, ex mero principis motu, et certâ scientiâ nobis delegatâ, quicquid in hac electione fuerit defectum; tum in his quæ juxta mandatum nobis creditum à nobis factum et processum est, aut in nobis aut aliquo nostrûm, conditione, statu, facultate, ad hæc perficienda deest aut deerit; tum etiam eorum quæ per statuta hujus regni Angliæ aut per leges ecclesiasticas in hac parte requisita sunt aut necessaria, prout temporis ratio et rerum præsentium necessitas id postulant, per hanc nostram sententiam definitivam, sive hoc nostrum finale decretum,*" &c.

I cite this the more largely, that our adversaries may see what use was made of the dispensation, which they cavil so much against: but in the consecration, which is an act of the key of order, they made no use at all of it. This is likewise clearly proved by the Queen's mandate for the restitution of Archbishop Parker to his temporalties, wherein there is this clause—"*Cui quidem electioni et personæ sic electæ Regium assensum nostrum adhibuimus et favorem, ipsiusque fidelitatem nobis debitam pro dicto Archiepiscopatu recepimus*[d]."

[5. The consecration itself.] 5. Fifthly, we say, that eight days after the confirmation, that is to say, the 17th of December, anno 1559, the same commissioners did proceed to the consecration of Archbishop Parker, in the Archiepiscopal Chapel at Lambeth, according to the form prescribed by the Church of England, with solemn prayers, and sermon, and the Holy Eucharist; at which great numbers of grave persons communicated with

[d] Rot. [Patent.] 2 Eliz., P. 14. [m. 3. (Rymer, tom. xv. p. 573). The clause in the text is part of the regular form of the writ of Restitution.]

him at that time—"*frequens gravissimorum hominum cœtus*[e]." This is proved evidently by the authentic records of the consecration, as they are still, and always have been, to be seen, in the public registry of the Archiepiscopal See of Canterbury.—"*Registrum Reverendissimi in Christo Patris et Domini, Domini Matthæi Parker*[f]," &c. "*Principio Sacellum tapetibus*

[e] [De Antiq. Brit. Eccl., in V. Parkeri, p. 539. ed. Drake.]

[f] Regist. Parker., tom. i. fol. 2. [This record (besides its own agreement with the writs from the rolls, as urged in the text; and the exact correspondence of the records of following consecrations, contained in the same register, with the registers of the respective sees—see 1st Table at the end of this Discourse) is confirmed by the following MS. or printed evidence: 1. the transcript of it in the Library of C.C.C. Cambridge (see it at length at the end of this Discourse); 2. Parker's MS. Diary in the same library, printed by Strype (Parker, Append. num. ix), recording his own consecration to the Abpric. on Dec. 17, 1559; 3. Reg. of Chapt. of Canterb., recording acts of jurisdiction by the Chapter during the vacancy of the Abpric, up to Dec. 8, 1559 (in Lambeth Library,—extracts printed in Couray., Déf. de la Diss., Pr. Just. art. viii. § 1); 4. Reg. of Prerogative Court recording the probates of wills; the Commissary of which court (Dr. Haddon) acted in the name of the Chapter of Canterbury prior to Dec. 10, 1559 (on which day intelligence of Parker's confirmation, Dec. 9, would be received), in that of Parker as Abp. "elect and confirmed" from thence to Dec. 15 inclusive, in that of Parker as Abp. without this additional clause after Dec. 17 (extracts ap. Couray., ibid. § 2.); 5. Reg. of same Court regarding goods of persons dying intestate, headed 9 Dec. 1559, and in the name of Parker as Abp. (Couray., ibid. § 3); 6. Parker's own Register, wherein the last two changes of no. 4 occur with the same dates (Couray., ibid. art. ix. and liv. iii. c. 1.); 7. Writs addressed to the Dean and Chapter of Canterbury, "Sede Archiepisc. Cant. vacante," relating to induction into benefices, dated Sept. 27, Oct. 6, Oct. 9, 1559 (Rymer, tom. xv. pp. 542—544); 8. Abp. Parker's statutes for the Court of Arches, containing a calendar wherein his consecration "XVI. Kal. Jan." is recorded (see Couray., ibid. liv. iii. c. 1. § 4.); 9. A Table of the consecration of Parker himself and the other Bishops consecrated by him from 1560 to 1571, printed in some copies of the De Antiq. Brit. Eccl. (p. 39. ed. Hanov.) in 1572 (see below in c. viii.); 10. MS. note by John, eldest son of Abp. Parker, giving (among others) the date of his consecration, in a copy of the De Antiq. Brit., Eccl., once belonging to the Earl of Sunderland, now in Lambeth Library, printed in Couray. (ibid. Pr. Just. art. xiii. § 2) and Todd (Acc. of Lamb. MSS., num. 959). A corresponding abstract in MS. of the particulars of Parker's consecration is in the same book (Couray. ibid. § 3.—Todd, ibid. num. 959. § 58). 11. The Life of Parker in the De Antiq. Brit. Eccl. itself, in 1572 (see below p. 92); 12. The other authors who have cited the register before Mason (see below c. vi. pp. 97, 98); 13. The Zurich Letters (see at the end of the 1st Table subjoined to this Discourse); 14. The "Lyfe" of Parker in 1574 (see above pp. 11, 12), which confirms the general account of the register, but does not enter into details. In the margin of the older copy of the original "Historiola" in C. C. C. library, the correct date is written in the same handwriting with that of the MS. itself, viz. Joscelyn's (see Master's Hist. of Benet Coll., p. 113. ed. Lamb). These are all (one excepted) independent evidences, the MSS. derived from five widely separated places, eight of them contemporary with the consecration itself, five others within twenty years following, and all prior to Mason. Against it have been urged (of the same kind of evidence); 1. a commission authorizing Parker among others to administer the oath of supremacy, dated Oct. 20, 1559 (Rymer, tom. xv. pp. 546, 547), and 2. the Herald's Patent authorizing an addition to his arms, dated Nov. 28, 1559 (ap. Strype, Parker, bk. i. c. 10); in both of which he is styled "Cantuariensis Archiepiscopus," without the addition of "elect;" but these relate to *civil* acts, and naturally follow the usage of ordinary language (see Couray., Déf. de la Diss., liv. iii. c. 3. Supplem. c. x.). 3. The silence of Stow in his

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ad orientem adornabatur, solum vero panno rubro insternebatur[g]*,*" *&c.* And so first setting down, both how the chapel was adorned for the consecration, and what habit and garments, as well the consecraters as the person who was to be consecrated, did wear, both at the prayers and sermon, as likewise at the Holy Sacrament and consecration, it proceedeth to the consecration itself;—"*Finito tandem Evangelio, Herefordensis electus, Bedfordensis suffraganeus, et Milo Coverdale, Archiepiscopum coram Cicestrensi electo apud mensam in Cathedrâ sedente his verbis adduxerunt, Reverende in Deo Pater, hunc virum pium pariter atque doctum tibi offerimus atque præsentamus, ut Archiepiscopus consecretur: postquam hæc dixissent, proferebatur illico regium diploma sive mandatum pro consecratione Archiepiscopi, quo per dominum Doctorem Yale legum doctorem perlecto, Sacramentum de Regio primatu, sive supremâ ejus authoritate tuendâ, juxta statuta primo anno regni Serenissimæ Reginæ nostræ Elizabethæ edita et promulgata, ab eodem Archiepiscopo exigebatur: quod cum ille, solemniter tactis corporaliter sacris Evangeliis, conceptis verbis præstitisset, Cicestrensis electus populum ad orationem hortatus, ad Letanias decantandas Choro respondente se accinxit: quibus finitis, post questiones aliquot Archiepiscopo per Cicestrensem electum propositas, et post orationes et suffragia quædam juxta formam Libri authoritate Parliamenti editi apud Deum habita, Cicestrensis, Herefordensis, suffraganeus Bedfordensis, et Milo Coverdallus, manibus Archiepiscopo impositis, dixerunt; 'Accipe Spiritum Sanctum, et excitare memineris gratiam Dei quæ in te est per manuum impositionem. Dedit enim nobis Deus spiritum non timoris, sed potestatis, charitatis, et sobrietatis*[h]*,'*" *&c.*

[Our adversaries driven to assert the records to be forged.]

This is so evident, that our adversaries have nothing to say, but to cry the records are forged. Forgery of records is a grievous crime, and ought to be manifestly proved, or the 455

Chronicle (see below c. ix.); 4. Holinshead, who mentions (Chron., vol. iii. p. 1186.) the committal of Tonstall (deprived after Sept. 29, died Nov. 18, 1559) to Parker's custody, as Archbishop and residing at Lambeth; which fact, dated as it is two months after Parker's election to the see, proves merely, that he was allowed to hold part of the temporalties before consecration.]

[g] [Ibid., fol. 10. The particularity of this description, which has been made a ground of objection to the record, is common in cases of the kind. One instance of a similarly minute record, that of Curtys' consecration to the see of Chichester in 1570, is printed in Couray., Supplem. pp. 632 &c.]

[h] [Ibid. See the register at length at the end of this Discourse; and the Advertisement prefixed, above pp. 9, 10.]

accuser to suffer for his calumny. Let them tell us who forged them, and when and where they were forged. But they know nothing of it. Did any of the succeeding protonotaries complain that they were forged? or so much as an under-clerk of the office? or any man that had once occasion to view them, and afterwards found some change in them? No such thing. Examine all the officers and notaries and clerks living, whether ever they observed any change in them during their remembrance; and they will all answer, No. And so would all their predecessors since Archbishop Parker's time have answered, if they had been put to their oaths. Who are they then that accuse them of forgery? They are the adversaries of the Church of England, who never read one word of them, nor know much what belongeth to such records; but they wish, if they be not forged, that they were forged. What would you have men do? If they could answer them otherwise, they would; but they cannot; and therefore they cry them down as forged.

[Forgery impossible in such a case as this.]

It is possible to forge private acts done in a corner; but to forge a consecration done publicly at Lambeth, in Queen Elizabeth's time, and to forge it so early as this was published to the world, is incredible. Surely these Fathers do not know the customs of the Church,—that all things which are done at public consecrations, are presently drawn into acts by principal notaries, and kept in public registries, and the custody of them committed to sworn officers. And this practice was not begun in England upon this occasion, but hath been observed throughout both provinces for time immemorial. I should not waste one penful of ink upon an Englishman; who either doth know or ought to know what credit the law of England doth give to these records: but for the satisfaction of strangers, who are misled by such bold calumnies, I will take leave for once to prove that, which like the common principles of arts ought to be taken for granted, and '*de quo nefas est dubitare.*' Let us try whether they can say more for the Vatican records, than we can for these.

For the present, I produce six grounds to convince all those who gainsay them.

[i. The laws of the kingdom

The first is, that value and respect which the laws of the kingdom do give them, that is, to allow them to be

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recognize these records as evidence.]

authentic proofs; especially in cases of this nature,—concerning spiritual acts belonging to the key of order[i]. If a clerk have lost his letters of orders, a certificate out of this registry under the seal of the Archbishop, or the hand of the protonotary, is an authentic proof. Shall two or three adversaries, who are strangers and know little of our affairs, altogether unacquainted with our laws and records, dare without any ground to defame that for forged, which the laws of the kingdom do allow for authentic? Either these records are authentic, or Christendom never had an authentic ecclesiastical record. The very acts of our synods or convocations are not more undoubted than these are.

[ii. Of the notaries who attested them.]

My second proof is taken from the credit of the public notaries, who did testify this individual consecration, and draw it up into acts. The testimony of two public notaries for matter of fact, maketh full proof over all Europe: but here at least four public notaries were present at this consecration, and testified the truth of these acts; whereof two of them were the principal public notaries in England, that is, Anthony Huse, protonotary of the see of Canterbury, and Thomas Argal, registerer of the Prerogative Court, assisted in actuating this consecration by Thomas Willet and John Incent, public notaries[j]. Who can make doubt of a matter of fact so attested?

But it is further observable, that these four public notaries were the same who did draw Cardinal Pole's consecration into acts, and attest them[k]. Either let these Fathers deny that Cardinal Pole was consecrated, or let them grant that Archbishop Parker was consecrated. '*Aut utrumque negate, aut utrumque concedite.*' There are the same proofs for the one and for the other. There needeth no more to be done to satisfy any man that hath eyes in his head, but to compare the one register with the other.

[iii. The legality of the commission was certified by six of our most eminent lawyers.]

We owe a third ground to the Queen's extraordinary care, who was so solicitous lest some circumstance in the political part might be defective in some punctilio of law, by reason of 456

[i] [See the Antiq. Brit. Eccl. (p. 33. ed. Hanov.), quoted by Mason, bk. iii. c. 17. § 1; and Gibson, Codex, tit. XLIII. c. vi. p. 996.]

[j] [See the Record, at the end of this Discourse.]

[k] [This is apparent from the Registers themselves. Thomas Willet is called "apparitor general" in that of Pole's consecration. The other three are described in the same way in both cases.]

the frequent change of the statutes in the reigns of her father, brother, sister, and herself, that she caused the letters patents to be carefully perused by six of our most eminent lawyers, who all with one unanimous consent did certify, that the commission was good in law, and that the consecraters might proceed legally to consecration upon it; which certificate, subscribed with their own hands, is preserved in the records[l]. So, if these records be forged, not only the acts of the principal notaries of England, but also the hands of the principal lawyers of England, must be forged for company; which is incredible.

[iv. They are recognized by a subsequent Act of Parliament.]

The fourth ground is irrefragable, taken from the testimony and authority of the Parliament of England, in the eighth year of Queen Elizabeth; that was, about six years after this consecration was acted; which, speaking of the great care [that] was taken in and about the "elections, confirmations, and consecrations" of Archbishop Parker, and the rest of those first Bishops in Queen Elizabeth's time, for proof thereof referreth us to these very records,—"As the records of her Majesty's said father's and brother's time, and also her own time, will more plainly testify and declare[m]." Doth the Parliament refer subjects to records which are forged? You see the contrary,—that it mentioneth them as authentic, undoubted, undeniable proofs of what was really done.

To this unanswerable reason, these Fathers pretend to give two answers: but they are such as are able to satisfy any man, that no answer is to be expected.

The first answer is in their printed book, page 16, that "the word 'records' is but a general term." As if truth ought not to be regarded in generals as well as in particulars. Yet the terms which are added to "records," that is, "of her father's time," "her brother's time," and "her time," are no general but restraining terms.

They add, that "it is a word of course, which men do rather suppose than examine, when they mention things that have been practised in former times." What latitude these Fathers may allow their confitents in case-theology for "words

[l] [See it in the Record, at the end of this Discourse, and Mason, bk. iii. c. 9. § 9.]

[m] 8 Eliz. c. 1. [§ 2. in fine; see Mason, bk. iii. c. 18. § 11.]

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Yet they conclude it to be "evident, that there were no such records of Parker's consecration." This is more than "words of course,"—to charge the Parliament directly with an untruth. But how is it "evident that there were no such records?" Because "they were never produced to those Roman Catholic doctors, who desired to see some evidence of Parker's consecration." This is wonderful. They were cited in print, they were alleged by the Parliament in the public laws of the kingdom, of which no man can plead ignorance; and yet they tell us "they were never produced." But to satisfy their very pretensions. Their exceptions in those days were of another nature, either against our English Ordinal[n], or against the legality of our Bishops[o]; which latter exception hath been answered already, and the former shall be answered in due place. The reason why Bishop Jewel and Bishop Horne and others did not cite these records more expressly, was no dread at all lest they should be found to be counterfeit, but because they had no need to cite them, to answer any thing that was objected against them. Either the Roman Catholic writers of those days were false to their own interest, to smother a thing which (if it had been true) had been so much to their advantage; which no rational man can imagine: or the Nag's-Head Ordination was altogether unknown and unheard of in those days; which is most certain.

But now the Fathers change their note,—"Could they not be forged as well in Queen Elizabeth's time as in King James his reign?" This is to blow hot and cold with the same breath. Before they demanded, "how it was possible they should be extant then and not produced?" Now they

[n] [Below, c. xi.] [o] [Above, pp. 79, &c.]

tell us, they might be extant then, and yet forged. Nay, such a dexterity they have in turning all which they touch
457 into gold, that they make this very supposition that they were extant then, to be a proof against us that they were forged:—therefore they were not produced, because "in Queen Elizabeth's time many were living, who would have proved them to be forged."

Observe, first, what honour and respect our countrymen do bear to our princes and Parliaments united. Before, they did as good as gave them the lie; and now they make them at the least accessaries to forgery, so far as to avouch and justify forged records. Secondly, observe, with what confidence and conscience they say that these records were never produced; and yet confess that they were cited in print, and alleged in our very statutes. If Bishop Jewel and Bishop Horne had cited them (as they would have cited them if they had had occasion), they could have done no more than was done. Did any man upon this publication go about to convince them of forgery? No, I warrant you; the case was too plain to be convinced. The Parliament, and the Book of the Lives of the Seventy Archbishops of Canterbury, printed by John Day, anno 1572, have spoiled the Fathers' arguments,—"They were not produced, therefore they were forged,"—and furnished us with a demonstrative proof of the contrary. They were produced and cited in print, and neither convinced, nor so much as accused, of forgery; therefore they were not forged.

It seemeth this answer did not satisfy the Fathers themselves; and therefore the one of them hath added a second answer in the margin with his pen, in these words,—"The Act of Parliament relates only to the records of the Queen's letters patents, and not to the records of the Bishop's consecration or ordination." They say, that gloss is accursed, which corrupteth and contradicteth the text, as this gloss doth egregiously. The statute speaketh expressly of "the records" of "elections, and confirmations, and consecrations[p],"

[p] [8 Eliz. c. 1. § 2. Stephens repeated this cavil, and Le Quien from Stephens; accusing Mason of unfairness in translating "records" by "archiva" (bk. iii. c. 18. § 11). That the word is correct, is apparent (to go no further) from the De Antiq. Brit. Eccl., passim. That the interpretation of the statute is so, is as apparent to any candid reader of the context.]

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which are all of them ecclesiastical acts, and none of them recorded in the Rolls of Chancery, or any other civil court of records, but only in the ecclesiastical registers of the Archbishops, Deans and Chapters, respectively. This answer is a groundless evasion.

[v. And by the author of the book *De Antiquitate Britannicæ Ecclesiæ.*]

My fifth ground to prove that these records were not forged, is taken from that Book of the Lives of the seventy succeeding Archbishops of Canterbury, printed in London in the year 1572; wherein the author (that was, Archbishop Parker himself), having described the confirmations and consecrations of Bishop Grindal, Bishop Sandes, Bishop Jewel, Bishop Horne, and all the rest of those first Protestant Bishops, he addeth in the margin, "*Hæ confirmationes et consecrationes in registris apparent*"—"These confirmations and consecrations do appear in the registers[q]." Then the registers were then extant, and not only extant, but publicly printed, whilst all things were fresh in men's memories; yet no man did or durst except against the truth of them; so free they were, not only from corruption, but from suspicion.

[vi. They agree exactly with our civil records.]

The sixth and last ground to prove that the records were not forged, is taken from the agreement and concurrence of our civil records (which no man ever doubted of) with our ecclesiastical registers. We have seen the Queen's letters patents, directed to seven other Bishops, for the confirmation and consecration of Archbishop Parker, dated the sixth of December, anno 1559. Therefore upon the sixth of December, 1559, he was neither confirmed nor consecrated. We have seen the ecclesiastical records, how, by virtue of those very letters patents, he was confirmed upon the ninth day, and consecrated upon the seventeenth day, of the same month. We find three other letters patents, directed to Archbishop

[q] [p. 541. ed. Drake. Bramhall, who had seen no other edition of the De Antiq. Brit. Eccl. than that of 1605 (which does not contain the Life of Parker), quotes from Mason, bk. iii. c. 18. § 12. ed. 1625. The words above quoted are in both the copies of the edit. of 1572, that are in the Bodleian Library; and in that in Merton Library; and do not appear from Drake's list of various readings to be wanting in any copy which contains the Life of Parker at all. An account is also there given of the consecrations or confirmations of all the Bishops in question, corresponding with the register throughout, with the exception of two of the Christian names and one surname (Hugh *Davids* for Hugh *Jones* Bp. of St. David's), and the omission of Alley; whose name however is inserted in the Historiola and the Puritan "Lyfe" of Parker (see above pp. 11, 12). See also below c. viii.; and for other witnesses to the Register, c. vi. pp. 97—103.]

Parker himself, as a consecrated Bishop, for the confirmation and consecration of other Bishops; namely, Richard Cox, Edmund Grindal, and Edwin Sandes, dated the eighteenth of December, that is, the very next day after his consecration. Therefore he was then consecrated. And this agreeth exactly with the ecclesiastical register[r].— Discourse V.

"*Elizabeth, Dei gratiâ, Angliæ, &c. Reverendissimo in Christo Patri et Domino Matthæo Archiepiscopo Cantuariensi, totius Angliæ Primati et Metropolitano, &c., salutem*[s]. *Rogantes, ac in fide et dilectione quibus nobis tenemini firmiter præcipiendo mandantes, quatenus eundem Magistrum Edmundum Grindall, in Episcopum et Pastorem Ecclesiæ Cathedralis Divi Pauli London prædictæ, sic ut præfertur, electum, electio-*
458 *nemque prædictam confirmare, et eundem Magistrum Edmundum Grindall in Episcopum et Pastorem Ecclesiæ prædictæ consecrare, ceteraque omnia et singula peragere, quæ vestro in hac parte incumbunt officio pastorali, &c. Teste Reginâ apud Westmonasterium decimo octavo die Decembris, Anno Reginæ Elizabeth, Angliæ &c., secundo.*" Examinatur per

Rich. Broughton.

"*Consimilia brevia* (*eisdem formâ et verbis, mutatis solummodo mutandis*) *directa sunt eidem Matthæo Archiepiscopo Cantuariensi, pro confirmatione electionis et consecratione Richardi Cox, Sacræ Theologiæ Professoris, in Episcopum Eliensem; et Edwini Sands, Sacræ Theologiæ Professoris, in Episcopum Wigornensem; omnia sub dato prædicto, et in Rotulo supradicto*[t]." Examinatur per

Richardum Broughton.

There cannot be a clearer proof in the world, to prove that Archbishop Parker was neither confirmed nor consecrated upon the sixth of December, anno 1559; and that he was both confirmed and consecrated, and commanded to con-

[r] [See the first table at the end of this Discourse.]

[s] [Bramhall has omitted here the recital of the Congé d'Eslire, the Election, and the Royal assent; which are a part of the regular form of a commission of this kind, and exist, as usual, in these three commissions.]

[t] [The Significavits or letters patents for Sandys and Cox are printed in Rymer (tom. xv. pp. 550, 552); the former correctly, the latter (as appears by the original Rolls) with a misprint of xxviii for xviii Dec. That for "Gryndall" is in the Rolls, 2 Eliz. P. 14. m. 41; but is not printed in Rymer. For the agreement of the civil and ecclesiastical records, see the first Table at the end of this Discourse.]

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secrate others, upon the eighteenth of the same month. Neither doth the king, or Church, or laws of England, take notice of any man as a true Archbishop or Bishop, until hands be imposed upon him, but always with this addition, "Elect;" as in the Book of Ordination,—"*Ego I. N. Ecclesiæ atque Sedis N. electus Episcopus profiteor;*" and in the Litany,—"*Te rogamus, ut huic Fratri nostro, electo Episcopo, benedictionem et gratiam Tuam largiri digneris*[u]."

[6. Restitution of temporalties.]

6. Lastly, by the laws of England, a Bishop cannot be admitted to do his homage, or swear fealty for his Bishopric, nor be restored to his temporalties, until he be legally consecrated: but it is apparent by the Queen's letters patents, dated the one and twentieth day of March following (that was, at the end of Hilary Term, as speedily as could be), he had done his homage, and was then restored to his temporalties[x]; which proveth clearly, that he was legally consecrated, that is to say, according to the register. Such a perpetual agreement there is between our ecclesiastical records and our civil records.

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THE EIGHTH, NINTH, AND TENTH REASONS AGAINST THAT FABULOUS RELATION; FROM THE AUTHORITY OF OUR STATUTE, THE BOOK OF THE LIVES OF THE ARCHBISHOPS OF CANTERBURY, AND ALL SORTS OF WITNESSES.

VIII. The eighth reason [against the

VIII. The eighth reason to prove the Nag's Head Ordination to be a fable, is taken from the authority of the statute

[u] [Viz. in the Ordination Service, both of Edw. VI. and at the present time. But Bramhall is not accurate in asserting, that the term "elect" is *invariably* added to the legal style of a Bishop elected but not consecrated. It is his *correct* legal style (by 25 Hen. VIII. c. 20. § 5. paragr. 5.), but is, as one might expect, frequently omitted; see a list of instances, six in number, from Bonner's register alone, where the word is omitted in such a case, in Couray., Déf. de la Diss., liv. iii. c. 3; which destroy any inference that might be drawn from the similar omission in Parker's own case, noticed above p. 85. note f. at the end. Of course in non-legal style the word is omitted as often as expressed; e. g. Holinshead uses it of Parker in Sept. 1559 in one passage, omits it in speaking generally of the same time in another (Chron. vol. iii. pp. 1185, 1186).]

[x] [The Writ De Restitutione Temporalium for Parker is printed in Rymer (tom. xv. p. 573). It recites in regular form the Royal assent to his election, and his having taken "the oath of fealty for his Archbishopric;" and restores his temporalties accordingly, excepting (in this particular case and others of the same date) such manors, &c., as the Queen retained in her own hands for the purpose of exchange by virtue of the 1 Eliz. c. 19. § 2.]

Nag's Head Consecration;—from the 8 Eliz. c. 1.]

in the eighth year of Queen Elizabeth; which is thus entituled, "An Act declaring the manner of making and consecrating of the Archbishops and Bishops of this realm to be good, lawful, and perfect[y]." "An Act declaring,"—not enacting or making;—"the manner of making and consecrating the Archbishops and Bishops of this realm,"—that is, those in the beginning of Queen Elizabeth's time, as appeareth by the whole body of the Act;—"to be good, lawful, and perfect." The title of the statute alone is sufficient to confute this fable; but there is much more in the body of the statute; as where it "approveth the making and consecrating of the same Archbishops and Bishops to be duly and orderly done, according to the laws of this realm[z]." If it was "done duly and orderly according to the laws of this realm," then it was not done at the Nag's Head, nor after such a silly ridiculous manner as these Fathers do relate it. That form differeth from our form in all things. In the consecrater, or minister of the consecration:—we must have
459 three Bishops at the least, there was but one. In the matter:—our matter is imposition of hands, their matter was the laying the Bible upon the head or shoulders of the person consecrated. In the form:—our form is "Receive the Holy Ghost," &c.; their form was, "Take thou authority to preach the word of God sincerely."

The statute proceedeth, that "they were elected, made, and consecrated, Archbishops and Bishops, according to such order and form, and with such ceremonies in and about their consecrations, as were allowed and set forth by the said Acts, statutes, and orders, annexed to the said Book of Common Prayer before mentioned[a]." This is plain enough. If the Parliament say truly, then they were consecrated in a Church, not in a tavern; not according to the brainsick whimsies of a self-conceited fool, or rather the ludibrious device of an arch-enemy, but according to the form prescribed by the Church and kingdom. The Parliament had more reason to know the truth than these Fathers; for there were personally present both the persons who did consecrate, and the persons who were consecrated, and many

[y] [8 Eliz. c. 1. title.]
[z] [Ibid. § 1.]
[a] [Ibid. § 2. paragr. 9.]

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Lords and gentlemen who were eye-witnesses of the consecration. Choose, reader, whether thou wilt trust the tale of a single, obscure, malicious spy, tattling in a corner; or the asseveration of the Parliament of England, in the face of the sun, published to the world in print.

The Parliament testifieth further, that it is and may be very evident and apparent, that "no cause of scruple, ambiguity, or doubt, can or may justly be objected against the said elections, confirmations, or consecrations[b]." Do they think the Parliament would have given such a testimony for the Nag's Head Consecrations? And so they conclude, that "all persons which had been or should be ordered or consecrated after the form and order prescribed" in the said English Ordinal, were "in very deed, and by authority of Parliament were declared and enacted to be, . . rightly ordered and consecrated[c]." The scope of the Parliament and of this Act, was to confirm the consecration of Archbishop Parker and the rest of the Bishops, and to free them from cavils and objections; but they confirm no ordination at the Nag's Head, neither can their words be extended any way to such a ridiculous consecration; therefore the ordination of Archbishop Parker and the rest was no Nag's Head Ordination.

[IX. The ninth reason against the Nag's Head Consecration; —from the *De Antiquitate Britannicæ Ecclesiæ.*]

IX. My ninth reason to prove that Nag's Head relation fabulous and counterfeit, is taken from the testimony of that book formerly mentioned, of the lives of the seventy Archbishops of Canterbury; wherein the consecrations of Archbishop Parker and all the rest are particularly related[d]. That which was published to the world in print above thirty years before the death of Queen Elizabeth, was not lately forged; but the legal ordination of Archbishop Parker and the rest, according to the register, was published to the world in print above thirty years before the death of Queen Elizabeth. Again, that which was published to the world in print with the allowance of Archbishop Parker, or rather by Archbishop Parker himself, was not intended by Archbishop

[b] [Ibid., paragr. 11.]

[c] [Ibid., § 5.]

[d] [See the Postscript, above pp. 11, 12; and below in c. viii. There is the same mistake of "Richard" for "John" of Bedford in this book, as was mentioned before; arising of course from the same source, the mistake in the original commission.]

Parker to be smothered or concealed. Men do not use to publish their forgeries in print; especially so soon, and of such public actions, whilst there are so many eye-witnesses living. That the relation was not confuted,—that the author was never called to an account for it,—that no man stood up against the registers, nor on the behalf of the Nag's Head Ordination, in those days,—that Mr. Neale was so tame to endure the lie in print, and all his party so silent, at that time when the truth might so easily have been discovered, as if it had been "written with a beam of the sun" (as it was indeed),—is an evident proof, that our relation is undeniable, and the relation which these Fathers make, is but a drowsy dream, which could not endure the light of the sun.

X. The tenth reason [against the Nag's Head Consecration; —from the evidence of all sorts of witnesses.] [Of our own writers.]

X. The tenth and last reason to prove our relation true, and theirs fabulous, is taken from all sorts of witnesses, ours and theirs indifferently. Mr. Mason reckoneth up seven of our writers, who had justified the legality of our ordinations, and cited our registers as authentic records, before himself; Bishop Jewel[e], Bishop Hall[f], Bishop Godwin[g], Dr. Collins[h], Mr. Camden[i], Mr. Sheldon[k], and one who was then living

[e] [Jewel certainly justified both the legality and the canonical order of our ordinations, and is quoted by Mason (bk. iii. c. 18. § 4-9) as so doing; but he did not "cite the registers," because the registers would have been no answer to his opponent. He asserted the *rights* of the case, and the customary order of English consecrations, which were then disputed; but had no need to prove the *facts* of particular cases, which were not then disputed. See Def. of Apol., P. ii. c. v. Divis. 1. pp. 148, 152. ed. 1571; and below in c. viii. pp. 128, &c.]

[f] [Honour of Married Clergy, bk. i. sect. 17. pp. 91-93. first edit. in 1620; referring to Mason. The latter (bk. iii. c. 18. § 14. ed. 1625.) does not quote either Bp. Hall or the three next mentioned in the text as having cited the registers "*before*" him; but merely says, that 'since he published his book' (i. e. the first edition), 'he had met with four other men .. who had truly taken the consecration of Parker out of the register, ... as he had done.' Sheldon therefore is *of those named* the only one, whose evidence is to the point. The first edition of Mason's work appeared in 1613.]

[g] [De Præsul. Angl., in V. Parkeri, p. 219. Lat. ed. of 1616; referring to Mason. Neither the register nor Mason are expressly referred to in the edition of 1615.]

[h] [Epphata to F. T., or, the Defence of .. the Lord Bishop of Elie (i. e. Andrewes) .. concerning his answer to Card. Bellarmine's Apologie, &c., c. 10. § 50. p. 490. Cambr. 1617; by Dr. Sam. Collins, Reg. Prof. of Divin. at Cambridge; referring to Mason, but adding that he himself had had his "instructions long since ex alio capite" (p. 494).]

[i] [Annal. Eliz. P. i. pp. 24, 25. ed. 1639.—p. 38. of the orig. ed. of the first Part, Lond. 1615; evidently, although not expressly, quoting from the register, and not referring to Mason. See also p. 103. ed. 1639. (p. 108. ed. 1615.), where the registers are expressly quoted.]

[k] [Motives of R. Sheldon, Priest, for his just, voluntary, and free Renouncing of Communion with the Bishop of Rome Paul V. and his Church, Divis. iii. p. 17. Lond. 1612.—"I myselfe .. searched the records," &c.—Sheldon had been a member of the Engl. College at Rome, but came to England and conformed to the English Church in 1611.]

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when this question was so hotly debated in King James his time, and had been an eye-witness of Archbishop Parker's consecrations at Lambeth, that was, the Earl of Nottingham[l]. One that was well stored with our English writers in Queen Elizabeth's time, might add many more[m]; but that cannot well be expected from me at this distance. 460

[Of their writers and 1. Mr. Clerke.]

We may produce as many of theirs, who have confessed or been convinced of the truth of Archbishop Parker's consecration. First, Mr. Clerke[n] (whose father was register to Cardinal Pole in his legantine court, and he himself an actuary under him), when Theophilus Higgins fled out of England to St. Omers, or Douay[o] (I remember not well whether). There he met with this Mr. Clerke, who falling into discourse with him concerning his reasons why he had forsaken the Church of England, Mr. Higgins told him, that one of them was that saying of St. Hierome, "It is no Church which hath no Priests[p];" reflecting upon this Nag's Head Consecration. Mr. Clerke approved well of his caution, because '*in dubiis tutior pars sequenda;*' but withal he wished, that what their authors had written concerning that point

[l] [See below c. ix.; and Mason, bk. iii. c. 7. § 5.]

[m] [E. g. Thynne, in his Catalogue of Archbishops of Canterbury inserted in Hollinshead (one of the passages struck out of the castrated editions), pp. 1434, 1491, Lond. 1586; being a very short abridgment from the De Antiq. Brit. Eccl., and quoting the Register from that book;—Sutcliffe, Exam. and Confut. of Kellison's Survey, c. i. p. 5. Lond. 1606. (see below in c. viii. p. 131.); —Butler (see below c. viii. p. 131).]

[n] [Francis Clerk, Notary Public, acted for Antony Huse, the Registrar, at Parker's consecration (see the record at the end of this discourse); and a person of the same name practised civil law with great success for the space of 40 years until about 1599 (Wood, Athen. Oxon, vol. i. pp. 657, 658. ed. Bliss); whom Tanner (Biblioth. Britannico-Hibern.) supposes to be the same with the notary. A John Clark is mentioned also in the Record as assisting at Parker's consecration. Now the Clerke spoken of in the text seems to have been a Romanist, and to have been alive in 1609 or 1610 (see next note); both of which conditions might agree very well with a son of Francis Clerke: and nothing is more probable than that his son should have heard an answer given as is most likely by his own father to the advocate in question. To the witnesses above cited two printed testimonies are to be added of indisputable credit in such a point; viz. Sanders (De Schism Angl., lib. iii. p. 347), and Stapleton (Counterblast &c., Pref. tom. ii. p. 828. ed. 1620); the first affirming that the Bishops in Qu. Elizabeth's reign were *required to be* consecrated by the legally established Ordinal; the second founding an argument upon the fact, that they *were* so consecrated.]

[o] [Theophilus Higgons (as Wood spells his name), first of Ch. Ch., then chaplain to Bp. Ravis, and Lecturer of St. Dunstan's in Fleet Street, turned Romanist about 1608, and went to Douay, St. Omer's, and Rouen, but was afterwards (in 1610, or 1611) brought back to the Engl. Church by Bp. Morton (Wood, Athen. Oxon., vol. iii. pp. 482-485. ed. Bliss). He died in 1659 (Wood, ibid. p. 485). His connection with Morton accounts for Barwick's acquaintance with him.]

[p] ["Ecclesia non est, quæ non habet Sacerdotes," Hieron., Advers. Lucifer., Op. tom. iv. P. ii. p. 302. F.]

could be made good; confessing that he himself was in England at that time (the witness doth not positively remember whether at the consecration or not). But Mr. Clerke said, that he himself was present, when the advocate of the Arches, whom the Queen sent to peruse the register after the consecration, and to give her an account whether it was performed canonically, returned her this answer, that 'he had perused the register, and that no just exception could be made against the consecration, but' (he said) 'something might have been better, particularly that Bishop Coverdale was not in his rochet;' but he assured her, 'that could make no defect in the consecration.' Here we have, if not an eye-witness, yet at least an ear-witness, in an undoubted manner, of the legal consecration, and of the truth of the register, and of the judgment of the Advocate of the Arches concerning the canonicalness of the consecration. Thus much Mr. Higgins was ready to make faith of, whilst he was living; and Mr. Barwick, a person of very good credit, from him at this present.

[2. Mr. Higgins.] The second witness is Mr. Higgins himself, who coming afterwards into England had a desire to see the register, and did see it, and finding those express words in it,—"*Milo vero Coverdallus non nisi togâ laneâ talari utebatur*,"—and remembering withal what Mr. Clerke had told him, whereas the canonical garments of the rest of the Bishops are particularly described, he was so fully satisfied of the truth of the consecration and lawful succession of our English Bishops, that he said he never made doubt of it afterwards.

[3. Mr. Hart.] My third witness is Mr. Hart, a stiff Roman Catholic, but a very ingenuous person, who having seen undoubted copies of Doctor Reynolds his ordination by Bishop Freake, and of Bishop Freake's consecration by Archbishop Parker, and lastly of Archbishop Parker's own consecration, he was so fully satisfied with it, that he himself did raze out all that part of the conference between him and Doctor Reynolds [q].

[q] [The conference between Dr. Reynolds (or Rainolds) and Mr. Hart was held about 1583, and published first in the following year (according to Wood, Athen. Oxon., vol. ii. p. 15. ed. Bliss). The account in the text is taken from Mason (bk. iii. c. 18. § 13), who had it from Reynolds himself. An attestation by Hart to the truth of the printed report (dated June 7, and, as it would seem, 1584) is prefixed to the earliest edition in the Bodleian Library, that of 1598; and a corresponding MS. copy of the conference, with Hart's signature, is

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[4. Father Oldcorn.]

My fourth witness is Father Oldcorn the Jesuit[r]. This testimony was urged by me in my Treatise of Schism in these words;—"These authentic evidences being upon occasion produced out of our ecclesiastical courts, and deliberately perused and viewed by Father Oldcorn the Jesuit, he both confessed himself clearly convinced of that whereof he had so long doubted (that was, the legitimate succession of Bishops and Priests in our Church), and wished heartily towards the reparation of the breach of Christendom, that all the world were so abundantly satisfied as he himself was; blaming us as partly guilty of the gross mistake of many, for not having publicly and timely made known to the world the notorious falsehood of that empty but far spread aspersion against our succession[s]." To this the Bishop of Chalcedon, who was better acquainted with the passages of those times in England than any of those persons whom these Fathers style of "undoubted credit," makes this confession,—"that Father Oldcorn being in hold for the powder treason, and judging others by himself, should say those registers to be authentic, is no marvel[t]."

[5. Mr. Wadsworth.]

A fifth witness is Mr. Wadsworth, who in an Epistle to a friend in England doth testify, that "before he left England he read the consecration of Archbishop Parker in our registers[u]." This made him so moderate above his fellows, that whereas some of them tell of five, and the most of them of

in the Archiepiscopal Library at Lambeth (Wordsw., Eccl. Biogr., vol. iii. p. 458. note, 3rd edit.). Reynolds died in 1607 (Wood, ibid. p. 18). Freake was consecrated to the see of Rochester March 9, 1571-2, by Abp. Parker, Horne Bp. of Winchester, and Gheast then Bp. of Salisbury (Parker's Register).]

[r] [Edward Oldcorn, a Jesuit, "after he had been a missioner in England 22 years," was first confined in the Tower (whither the Register might have been easily conveyed for him to see); and afterwards tried, condemned, and executed at Worcester April 7, 1606, "for misprision" of treason with reference to the Gunpowder Plot (Dodd, Ch. Hist., Pt. V. bk. ii. Art. v.) See also Criminal Trials, vol. ii., in the Library of Entertaining Knowledge, in the account of the proceedings against Garnet.]

[s] [Just Vindic., c. ix. (vol. i. pp. 270, 271). Disc. ii. Pt. i.]

[t] Survey &c., c. ix. [sect. 6.] p. 132.

[u] [Quoted from Mason, bk. iii. c. 18. § 14. ed. 1625.—"I know and have seen the records themselves, that afterward there was a consecration of Doctor Parker at Lambeth, and three Bishops named, viz. Miles Coverdall of Exeter, one Hodgeskin suffragan of Bedford, and another whose name I have forgotten." Wadsw.,] in Epist. ad Amic. n. 5. [§ xi. pp. 12, 13. as before quoted. Wadsworth turned Romanist when chaplain to the English Ambassador in Spain in 1605 (Winwood's Memor., vol. ii. pp. 109, 131, 136); and (apparently) continued in that country until 1615 (the date of the above letter) and afterwards until his death about 1623 (Pref. to Letters, &c. between Wadsw. and Bedell). He must have seen the register consequently before 1605. Compare also the same Letters, &c., c. xi. p. 141.]

fifteen, which were consecrated at the Nag's Head, he saith only, that "the consecration of the first Protestant Bishop
61 was attempted there, but not accomplished[x]." If it were only "attempted, not accomplished," then the Nag's Head Ordination is a fable. But it falleth out very unfortunately for Mr. Wadsworth's "attempt," that of all those first Protestant Bishops, whose elections were all confirmed at Bow's Church about that time (and it might be all of them, it is very probable sundry of them, had a confirmation dinner at the Nag's Head), not one was confirmed in person, but all of them by their proxies; Archbishop Parker by Doctor Bullingham, Bishop Barlow and Bishop Scory by Walter Jones Bachelor of Law, Bishop Grindal by Thomas Hink Doctor of Law, Bishop Cox by Edward Gascoine, Bishop Sandes by Thomas Bentham, &c.; as appeareth by the authentic records of their confirmation[y]. Bishops are ordinarily confirmed by proxy; but no man was ever consecrated, no man was ever attempted to be consecrated, by proxy.

[6. Four other Romanists.]

The four next witnesses are Mr. Collington, Mr. Laithwaite, Mr. Faircloth, and Mr. Leake, two of them of the same order with these Fathers; to whom the Archbishop of Canterbury caused these records to be shewed, in the presence of himself, the Bishops of London, Durham, Ely, Bath and Wells, Lincoln, and Rochester. They viewed the register, they turned it over and over, and perused it as much as they pleased, and in conclusion gave this sentence of it, that "the book was beyond exception[z]." To say, that afterwards they desired to have the records into prison, to peruse them more fully[a], is ridiculous. Such records may not go out of the presence of the keeper. But these Fathers may see them as much as they list in the registry, if they seek for satisfaction, not altercation.

[x] [See above p. 42. note n.]

[y] [Verified from Abp. Parker's Register.]

[z] [Godw., De Præsul., in V. Parkeri, p. 219. Lat. edit. of 1616. The passage is not in the Engl. edit. of 1615. Faircloth and Laythwaite were Jesuits, Collington (or Colleton) was Archpriest (the title given since the Bp. of Chalcedon's death to the spiritual superior of the English Romanists), and Leake was a secular Priest. An account of their examination of the Register (which took place May 12' 1614.) was added by Mason to the Latin edit. of his Vindication (1625), bk. iii. c. 18. § 16. The Archbishop was Abbot; the Bishops, King, James, Andrewes, Montague, Neyle, and Buckeridge.]

[a] [This was the shift, by which Faircloth and the others evaded the force of their own admission. See Champney, De Vocat., c. xiv. pp. 527, 528. Lat. ed.; and Mason, as before quoted.]

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[7. Mr. Neale himself.]

Lastly, Bishop Bonner had a suit with Bishop Horne; and the issue was, whether Bishop Horne were legally consecrated Bishop; upon that scruple, or rather cavil, which I have formerly mentioned[b]. If Mr. Neale, who they say was Bishop Bonner's chaplain, and sent on purpose to spy what the Bishops did, could have proved the ordination of Bishop Horne at the Nag's Head, he might not only have cleared his master, but have turned Bishop Horne deservedly out of his Bishopric. But he was loath to forfeit his ears by avouching such a palpable lie. The Nag's Head Ordination was not talked of in those days. How should it, before it was first devised? Mr. Sanders dedicated a book to Archbishop Parker, which he called The Rock of the Church[c]: if the Nag's Head Ordination had been a serious truth, how would he have triumphed over the poor Archbishop!

[Conclusion.]

To conclude;—if faith ought to be given to concurring records, ecclesiastical and civil, of the Church and kingdom of England; if a full Parliament of the whole kingdom deserve any credit; if the testimony of the most eminent public notaries in the kingdom, if witnesses without exception, if the silence, or contradiction, or confession, of known adversaries, be of any force; if the strongest presumptions in the world may have any place,—that men in their right wits will not ruin themselves wilfully, without necessity, or hope of advantage;—if all these grounds put together do overbalance the clandestine relation of a single malicious spy, without either oath, or any other obligation; then I hope every one who readeth these grounds will conclude with me, that the register of the Church of England is beyond all exception, and the malicious relation of the Nag's Head Ordination, a very tale of a tub, and no better; so full of ridiculous folly in

[b] [c. v. pp. 79—81; and see below in the beginning of c. viii. To Neale's negative testimony may be added that of Bonner himself, and others of the deprived Bishops, who in a letter of urgent remonstrance to Qu. Elizabeth, dated Dec. 4. 1559 (Strype, Annals, I. 1. 217), make no allusion whatever to such a circumstance as that of the Nag's Head Consecration: which evidence is corroborated by a similar silence in a letter of the same parties to Parker himself (dated March, 1560), so far as can be gathered from Strype's account of its contents and from Parker's reply (Strype, Parker, bk. ii. c. 2). See Browne, c. vi.]

[c] [The Rock of the Church, wherein the Primacy of St. Peter, and his Successors, the Bishops of Rome, is proved out of God's Word. Louvain, 8vo. 1566, 1567; St. Omers 1624; with a dedication "to the Right Worshipful M. Doctor Parker, bearing the name of the Archbishop of Canterbury." See Mason, bk. iii. c. 8. § 1.]

itself, that I wonder how any prudent man can relate it without laughter.

Who told this to Bluet? Neale. Who told this to Haberley? Neale. Who told it to the rest of the prisoners at Wisbeach? Neale; only Neale. Who suggested it to Neale? The Father of lies. Neale made the fable, Neale related it in corners, long after the time it was pretended to be acted. If his master Bishop Bonner had known any thing of it, we had heard of it long before. That the Archbishop should leave Lambeth to come to London to be consecrated; that he should leave all those churches in London, which are immediately under his own jurisdiction, to choose a common tavern, as the fittest place for such a work; that Bishop Bonner, being deprived of his Bishopric, and a prisoner in London, should send Neale from Oxford, and send a command by him to one over whom he never had any jurisdiction; that the other Bishop, being then a Protestant, should obey him being a Roman Catholic, when there were so many
462 churches in the city to perform that work in where the Bishop of London never pretended any jurisdiction; that these things should be treated, and concluded, and executed, all at one meeting; that Bishop Bonner did foresee it would be so, and command his servant to attend there until he see the end of that business; that the Bishops, being about such a clandestine work, should suffer a known enemy to stay all the while in their company;—is incredible. If Neale had feigned that he had heard it from one of the drawer's boys, it had deserved more credit than this silly, improbable, inconsistent relation; which looketh more like a heap of fictions made by several authors by starts, than a continued relation of one man.

"Quicquid ostendas mihi sic incredulus odi [d]."

CHAP. VII.

THE NAG'S HEAD ORDINATION IS BUT A LATE DEVICE—OF THE EARL OF NOTTINGHAM—BISHOP BANCROFT—DOCTOR STAPLETON—THE STATUTE 8. ELIZAB. C. I.—AND THE QUEEN'S DISPENSATION.

[The story of the Nag's Head Consecration

Now, having laid our grounds, in the next place let us see what the Fathers have to say further for themselves.

[d] [Hor., A. P. 188.]

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"This story of the Nag's Head was first contradicted by Mason, in the year 1613; yet so weakly and faintly, that the attentive reader may easily perceive he feared to be caught in a lie."

First, the Fathers seem to argue after this manner; many Athenian writers did mention the Cretan bulls, and Minotaurs, and Labyrinth; but no Cretan did write against them; therefore those ridiculous fables were true. Rather, the Cretans laughed at their womanish revenge, to think to repair themselves for a beating with scolding and lying. Such ridiculous fictions ought to be entertained with scorn and contempt. "*Spreta exolescunt, si irascaris agnita videntur*[e]." Secondly, it might be (for any thing I know to the contrary) Mr. Mason was the first who dissected this lie, and laid the falsity of it open to the world; but he was not the first who avouched and justified the canonical consecration and personal succession of our Protestant Bishops, which is the same thing in effect; the Bishop of Hereford did it before him, and Doctor Reynolds before the Bishop of Hereford, and he that writ the Life of Archbishop Parker before Doctor Reynolds, and the Parliament before him that writ Archbishop Parker's Life, and the public registers of the Church before the Parliament[f]. Thirdly, they would make us believe, that this fable was ancient, and published to the world from the beginning of Queen Elizabeth's time in print, and unanswered by the Protestants until the thirteenth of King James; but there is no such thing. For their credit, let them produce one author that mentioneth it in the beginning of Queen Elizabeth's time, or if they cannot do that, for forty years after, that is, before the year 1600; or otherwise, the case is plain, that it is an upstart lie, newly coined about the beginning of King James his time. The Fathers would not have us answer it before it was coined, or before it was known to us.

Where they say, that Mr. Mason did handle this controversy "weakly and faintly," they know they do him wrong; he hath so thrashed their authors, Fitz-Herbert, and Fitz-Simon, and Holywood, and Constable, and Kellison, and Champney, that the cause hath wanted a champion ever since, until these Fathers took up the bucklers[g].

[e] [Tacit., Annal., iv. 34.]
[f] [See the preceding chapter.]
[g] [See p. 22. note d.]

[The Earl of Nottingham's testimony.]

But whereas they add, that "Mr. Mason was afraid to be convinced by some aged persons that might then be living, and remember what passed in the beginning of Queen Elizabeth's reign," [this] is so far from truth, that Mr. Mason nameth a witness beyond all exception, that was invited to Archbishop Parker's consecration at Lambeth, as being his kinsman, and was present there,—the Earl of Nottingham, Lord High Admiral of England [h]. Why did none of their authors go to him, or employ some of their friends to inquire of him? The case is clear; they were more 'afraid of conviction,' and
463 "to be caught in a lie," than Mr. Mason; who laid not the foundation of his discourse upon loose prittle-prattle, but upon the firm foundation of original records.

They say, "In the year 1603, none of the Protestant clergy durst call it a fable, as some now do." I am the man, I did call it so [i], I do call it so. Such a blind relation as this is, of a business pretended to be acted in the year 1559, being of such consequence as whereupon the succession of the Church of England did depend, and never published until after the year 1600, as if the Church of England had neither friends nor enemies, deserveth to be styled a tale of a tub, and no better.

[Of Bishop Bancroft.]

They add, "Bancroft Bishop of London, being demanded by Mr. William Alabaster how Parker and his colleagues were consecrated Bishops, answered, He hoped that in case of necessity a priest (alluding to Scory) might ordain Bishops; this answer of his was objected in print by Holywood, against him and all the English clergy, in the year 1603; not a word replied, Bancroft himself being then living [k]."

[h] [Mason, bk. iii. c. 7. § 5. See below c. ix. in fine.]

[i] [Bramhall's pen has outrun his thoughts in this sentence. In the year 1603 he was a boy of ten years old. The true answer to Talbot is, of course, that no one could deny in 1603 what was not affirmed until 1604.]

[k] [Alabaster (a clergyman of some reputation, who went over to the Romish Church, when in Spain as chaplain to the Earl of Essex on the Cadiz expedition in 1596, but returned almost immediately afterwards both to the English Church and to England) held preferment in Hertfordshire, and a prebendal stall in St. Paul's (accord. to Wood, Fasti, anno 1592; and Fuller, Worthies, County Suffolk; but Newcourt does not mention him among the prebendaries of that Cathedral), until his death in 1640. He must have been a member of the English Church therefore during the whole period of his intercourse with Bancroft, who held the see of London from 1597 until his translation to Canterbury in 1604 (the year in which Holywood first published the above story): which renders the relation as given from Talbot still more improbable.]

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And why might not Holywood be misinformed of the Bishop of London, as well as you yourselves were misinformed of the Bishop of Durham? This is certain, he could not allude to Bishop Scory, who was consecrated a Bishop in the reign of Edward the Sixth [l], as by the records of those times appeareth, unless you have a mind to accuse all records of forgery. If you have any thing to say against Bishop Scory's consecration, or of any of them who joined in ordaining Archbishop Parker, spare it not; we will not seek help of an Act of Parliament to make it good. In sum, I do not believe a word of what is said of Bishop Bancroft, '*sub modo*'—as it is here set down; nor that this accusation did ever come to the knowledge of that prudent Prelate; if it did, he had greater matters to trouble his head withal than Mr. Holywood's bables: but if ever such a question was proposed to him, it may be, after a clear answer to the matter of fact, he might urge this as '*argumentum ad hominem*,'—that though both Bishop Scory and Bishop Coverdale had been but simple priests (as they were complete Bishops), yet, joining with Bishop Barlow and Bishop Hodgskins, two undoubted Bishops (otherwise Gardiner, and Bonner, and Tonstall, and Thirlby, and the rest, were no Bishops), the ordination was as canonical as for one Bishop and two mitred Abbots to consecrate a Bishop (which you allow in case of necessity [m]), or one Bishop and two simple presbyters to consecrate a Bishop by Papal dispensation [n]. So this question will not concern us at all, but them very much, to reconcile themselves to themselves. They teach, that the matter and form of ordination are essentials of Christ's own institution. They teach, that it is grievous sacrilege to change the matter of this Sacrament. They teach, that the matter of Episcopal ordination is imposition of hands of three Bishops upon the person consecrated. And yet with them, one Bishop and two Abbots, or one Bishop and two simple priests extraordinarily by Papal dispensation, may ordain Bishops. The essentials of Sacraments do consist '*in indivisibili*;' once essential, always essential; whether ordinarily,

[l] [See above p. 70. note s.]

[m] [Mason, bk. i. c. 1. § 8; quoting Bellarm., De Eccl. Milit., lib. iv. c. 8 (Op., tom. i. p. 1316. B.), and Binius, In Canon. Apostol., Concil. tom. i. p. 17 (from Bellarmine).]

[n] [See above p. 26. note l.]

or extraordinarily; whether with dispensation, or without. So this question, whether a priest in case of necessity may ordain Bishops, doth concern them much, but us not at all. But for my part, I believe the whole relation is feigned, for so much as concerneth Bishop Bancroft.

[The supposed authorities for the story.]

They add, or the one of them, "I have spoken with both Catholics and Protestants, that remember near eighty years, and acknowledge, that so long they have heard the Nag's Head story related as an undoubted truth."

Where, I wonder? Sooner in Rome, or Rheims, or Douay, than in England; and sooner in a corner, than upon the exchange. You have heard from good authors of the swan's singing, and the pelican's pricking of her breast with her bill; but you are wiser than to believe such groundless fictions. I produce you seven of the ancient Bishops of England, some of them near a hundred years old, who do testify, that it is a "groundless fable [o];" yet they have more reason to know the right value of our ecclesiastical records, and the truth of our affairs, than any whom you converse withal.

The authors proceed, "This narration of the consecration at the Nag's Head, have I taken out of Holywood, Constable, and Dr. Champney's works." They heard it from many "of
464 the ancient clergy, who were prisoners for the Catholic religion in Wisbeach Castle, as Mr. Bluet, Dr. Watson, Bishop of Lincoln, and others. These had it from the said Mr. Neale and other Catholics present at Parker's consecration in the Nag's Head, as Mr. Constable affirms [p]."

Here is nothing but hearsay upon hearsay; such evidence would not pass at a trial for a lock of goat's wool. Holywood and the rest had it from some of the Wisbeach prisoners: and the Wisbeach prisoners heard it from Mr. Neale "and others." What "others"? had they no names? did Bishop Bonner send more of his chaplains than one to be spectators of the consecration? and they who were to be consecrated,

[o] [Above p. 33.]

[p] [In the year 1582, Bishop Watson, Feckenham Abbot of Westminster, and other Romanist Priests (among the rest Bluet and Haberley), were committed prisoners to Wisbeach Castle; which became thenceforward, until the middle of the reign of James I., the head quarters of the Romanist party in England, and the scene of very considerable disputes between the missionary priests and the Jesuits there confined. See Fuller, Ch. Hist., bk. ix. Sect. 8. § 14-19; Dodd, Ch. Hist., Pt. iv. bk. i. art. 5.]

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permit them being adversaries to continue among them during the consecration, supposed to be a clandestine action? It is not credible, without a plot between Neale and the host of the Nag's Head, to put him and his fellows for that day into drawers' habits, lest the Bishops should discover them. Here is enough said to disgrace this narration for ever, that the first authors that published it to the world, did it after the year 1600; until then it was kept close in lavender. Bishop Watson lived splendidly with the Bishops of Ely and Rochester at the time of Archbishop Parker's consecration, and a long time after, before he was removed to Wisbeach Castle[q]. If there had been any such thing really acted, and so notoriously known as they pretend, Bishop Watson and the other prisoners must needs have known it long before that time, when Mr. Neale is supposed to have brought them the first news of it. The whole story is composed of inconsistencies. That which quite spoileth their story, is, that Archbishop Parker was never present at any of these consecrations, otherwise called confirmation dinners; but it may be, the merry host shewed Mr. Neale Dr. Bullingham for Archbishop Parker, and told him what was done in the withdrawing room, which (to gain more credit to his relation) he feigned that he had seen, out of pure zeal.

Howsoever, they say, "the story was divulged to the great grief of the newly consecrated, yet being so evident a truth, they durst not contradict it."

We must suppose that these Fathers have a privilege to know other men's hearts, but let that pass. Let them tell us, how it was "divulged," by word or writing; when and where it was "divulged," whilst they were "newly consecrated;" who "divulged" it, and to whom. If they can tell us none of all this, it may pass for a great presumption, but it cannot pass for a proof.

[Dr. Stapleton says nothing of it, but rests his objections on other grounds.]

But they say, that "not only the nullity of the consecra-

[q] [Watson was sent to the Tower April 5, 1559, but set at liberty June 25. He was in the Tower again in 1560; and in the custody successively of Bp. Guest of Rochester and Bp. Cox of Ely from thence until 1582, when he was committed to Wisbeach Castle, for intriguing with foreign emissaries. He died in 1584. See Strype, Annals I. 1. 210-214.—Godwin—Br. Willis, Cathedr.]

tion, but also the illegality of the same, was objected in print against them not long after, by that famous writer Dr. Stapleton and others."

We look upon Dr. Stapleton as one of the most rational heads that your Church hath had since the separation; but speak to the purpose, Fathers,—did Dr. Stapleton print one word of the Nag's Head Consecration? You may be sure he would not have balked it, if there had been any such thing; but he did balk it,—because there was no such thing. No, no, Dr. Stapleton's pretended illegality was upon another ground,—because he dreamed that King Edward's statute was repealed by Queen Mary, and not restored by Queen Elizabeth; for which we have an express Act of Parliament against him in the point; and his supposed invalidity was, because they were not consecrated '*ritu Romano*[r].' If you think Dr. Stapleton hath said any thing that is material, to prove the invalidity or nullity of our consecration, take your bows and arrows and shoot over his shafts again, and try if you do not meet with satisfactory answers, both for the institution of Christ, and the canons of the Catholic Church, and the laws of England.

You say, "Parker and the rest of the Protestant Bishops, not being able to answer the Catholic arguments against the invalidity of their ordination," &c.—Words are but wind; the Church of England wanted not orthodox sons enough to cope with Stapleton and all the rest of your emissaries;—nor "to cry down the illegal and extravagant manner of it at the Nag's Head;"—how should they cry down that which never had been cried up in those days? we condemn that form of ordination which you feign to have been used at the Nag's Head, as "illegal and extravagant," and (which weigheth more than both of them) invalid, as much as yourselves;—they "were forced to beg an Act of Parliament[s], whereby they might enjoy the temporalties notwithstanding the known defects of their consecration," &c.

[Of the statute passed 8 Eliz. c. 1.]

465 O ingenuity! whither art thou fled out of the world? Say, where is this petition to be found? in the records of Utopia? Did the Parliament ever make any such establishment of their temporalties, more than of their spiritual-

[r] [See below in c. viii. pp. 126, 127.]

[s] [Meaning the 8 Eliz. c. 1.]

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ties? Did the Parliament ever take any notice of any defects of their consecration? Nay, did not the Parliament declare their consecration to have been free from all defects? Nay, doth not the Parliament quite contrary,—brand these reports for "slanderous speeches," and justify their consecrations to have "been duly and orderly done, according to the laws of this realm;" and that "it is very evident and apparent, that no cause of scruple, ambiguity, or doubt, can be justly objected against" their "elections, confirmations, or consecrations [t]?"

Yet they give a reason of what they say, "For albeit Edward the Sixth's Rite of Ordination was re-established by Act of Parliament in the first year of Queen Elizabeth, yet it was notorious that the ordination at the Nag's Head was very different from it, and formed *ex tempore* by Scory's puritanical spirit," &c.

I take that which you grant out of Sanders [u], that King Edward's Form of Ordination was re-established by Act of Parliament 1. *Elizabethæ*; wherein you do unwittingly condemn both Bishop Bonner's and Stapleton's plea of illegality. The rest which you say, is partly true and partly false. It is very true, that there is great difference between the English form of ordaining, and your Nag's Head Ordination: as much as is between the head of a living horse and the sign of the Nag's Head, or between that which hath a real entity and an imaginary chimæra (Mr. Mason was the Bellerophon that destroyed this monster); but that the form of the Nag's Head Ordination was framed "*ex tempore* by Scory's puritanical spirit," is most false; that posthumous brat was the Minerva or issue of Mr. Neale's brain, or some others who fathered this rapping lie upon him.

Then they repeat the words of a part of the statute, and thence conclude,—"By which Act appears, that not only King Edward's rite, but any other used since the beginning of the Queen's reign, upon her commission was enacted for good; and consequently that of the Nag's Head might pass."

'*Cujus contrarium verum est.*'—The contrary to what these

[t] 8 Eliz. c. 1. [§ 1, 2.]

[u] [De Schism. Anglic., lib. iii. p. 348. ed. 1610. "Has leges" (concerning the ordinal) . . "Elizabetha *in integrum* restituit ac renovavit."]

Fathers infer, doth follow necessarily from these words which the Fathers cite. The words of the Act are these,—"by virtue of the Queen's letters patents or commission[x];"—every one of the letters patents is extant in the Rolls; not one of them did ever authorize any form but that which was legally established; that is, the form of Edward the Sixth. First, the Queen's letters patents or commission hath an "*aut* [*ad*] *minus*" in it,—"or at the least three or four of you[y]:" but to justify the Nag's Head Ordination, the "*aut* [*ad*] *minus*" must be altered to "at the least one or two of you." Secondly, the Queen's letters patents have always this clause in them,—"*juxta formam et effectum statutorum in eâ parte editorum et provisorum*"—"according to the form and effect of the statutes in that case made and provided;" but the statutes allow no less number than four, or at the least three, to ordain[z]: at the Nag's Head (you say) there was but one ordainer. Our statutes prescribe "imposition of hands," as the essential matter of ordination; and these words, "Receive the Holy Ghost," as the form of ordination: but your Nag's Head Ordination is a mere phantasm, without matter or form. Our statutes allow no such fanatical and fantastical forms, as your form of the Nag's Head. And so your consequence,—"consequently that of the Nag's Head might pass,"—is foundered of all four, and can neither "pass" nor repass, unless you can raze these words, "by virtue of the Queen's letters patents," out of the statute, and insert these, "*without* the Queen's letters patents;" and likewise raze these words out of the commission, "according to the form and effect of the statutes," and insert these, "*contrary to* the form and effect of the statutes." A single falsification will do your cause no good. "Two poisons" may perchance "help" it at a dead lift.

It is in vain to tell us, that "Mr. Mason see this over clear to be denied;" who know better,—that Mr. Mason did not only deny it over and over again, but squeezed the poor fable to dirt.

[x] [8 Eliz. c. 1. § 4.]

[y] [I. e. the commission for Archbishop Parker. The same clause is customarily inserted in similar cases; e. g. in the commission for Grindal's confirmation in the Archbishopric of Canterbury, Feb. 14, 1578 (Rymer, tom. xv. p. 752).]

[z] [25 Hen. VIII. c. 20. § 5.]

PART I. — [Of Queen Elizabeth's dispensation.]

I have shewed you particularly what was the end of the Queen's dispensations;—the same which is the end of Papal dispensations,—to meet with latent objections or cavils[a]. I have shewed you what that cavil was; which needed no dispensation in point of law, but only to stop the mouths of gainsayers[b]. But where you add, that "the Queen's dispen- 466
sation was given, not i n c nditional, but in very absolute terms," you are absolutely mistaken. The Queen's dispensation was both in general terms, which determine nothing (not like the Pope's dispensations,—"*A quibusvis excommunicationis suspensionis et interdicti sententiis*[c]"), and also in these conditional terms,—"*si quid*," &c., "*desit aut deerit eorum quæ per statuta hujus regni nostri aut per leges ecclesiasticas in hac parte requiruntur*"—"if any thing is or shall be wanting [of those things], which are required by the laws civil or ecclesiastical of this kingdom." You see it is conditional, and hath reference only to the laws of England.

They go on, "The truth is, all the world laughed at the Nag's Head Consecration, and held it to be invalid, not so much for being performed in a tavern, as for the new form invented by Scory."

If "all the world" did "laugh at" it in those days, they laughed in their sleeves, where no body could see them laugh. It had been too much to laugh at a jest before it was made; nay, before it was devised. The reader may well wonder, how "all the world" came to get notice of it so early as the beginning of Queen Elizabeth's reign, and we only in England should hear nothing of it for above forty years after. But as soon as we did hear of it, we laughed at it as well as they, and held it as invalid as they could do for their hearts; but they laughed at it as Bishop Scory's invention, and we laughed at it as theirs.

[a] [See above c. v. pp. 77, &c.]
[b] [See above pp. 79—81.]
[c] [See above p. 77. note l.]

CHAP. VIII.

OF BISHOP BONNER—THE RE-ORDINATION OF OUR CLERGY—THE QUALITY OF THEIR WITNESSES—MR. FITZ-HERBERT'S SUSPICIONS—THE TESTIMONY OF THEIR DOCTORS—AND THE PUBLISHING OF OUR REGISTER BEFORE MR. MASON.

[Of Bishop Bonner's plea, that Bishop Horne was not a legal Bishop.]

THEIR next instance is in Bishop Bonner's case, who "was indited by Mr. Horne, one of the first Protestant Bishops consecrated by Mr. Parker, or together with him, for refusing to take the oath of supremacy."

The first error might be pardoned, as being only a mistake in a word, to say that Bishop Bonner was "indited" by Mr. Horne, whereas he was only signified[a] by Bishop Horne: but the second mistake is fatal, that after all this confidence, and this great notoriety of the Nag's Head Ordination "to all the world," these Fathers themselves are still uncertain, whether Bishop Horne were consecrated "by" Archbishop Parker, or at the same time "with him;" that is as much as to say, they know not certainly what was done at the Nag's Head, but they wish, that if the confirmation dinner were not a consecration, it had been one. It could never end better,—for Mr. Neale to feign an ordination, without an actuary to record what was done. Bishop Watson and Mr. Bluet and the rest were much to blame, that (since he had the fortune to wear Gyges his ring and walk invisible) they did not cause him to play the public notary himself, and draw that which was done there into acts; then we might have known as certainly as he could tell us, whether Dr. Parker had been consecrated there by his Proctor Dr. Bullingham. It may be, some very credulous reader, who like the old Lamiæ could take out his eyes and put them in again when he pleased, would have given more credit to Mr. Neale's pleasant fable, than to the public Rolls and Registers of the kingdom.

I have handled Bishop Bonner's case before[b]: and these Fathers themselves have unwittingly given sentence in it against him;—that "King Edward's Form of Ordination was re-established by Act of Parliament in the first year of Queen Elizabeth[c]." But final sentence there was never any given, until the Parliament gave a final sentence in it,—that

[a] [i. e. brought by certificate into the court of King's Bench, in virtue of the 5. Eliz. c. 1. § 9.]

[b] [See above p. 79. note p.]

[c] [See above p. 110.]

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Bishop Horne and all the rest were legal Bishops. To admit a plea to be tried by a jury, and the verdict of the jury, are two very distinct things.

They tell us, "he was a man specially shot at." Rather, he was a man graciously preserved by the Queen's mercy from the rage of the common people against him[d]. If they had "shot at" him, they could have found ways enough to have tendered the oath of supremacy to him, without Bishop Horne. I profess I am no great patron of such oaths[e]. Men have more dominion over their actions than over their judgments. Yet there is less to be said for Bishop Bonner, than 467 for other men. He who had so great a hand in framing the oath; he who had taken it himself, both in King Henry's time and King Edward's time, and made so many others to take it; he who had been so great a stickler in Rome for the king's supremacy; who writ that preface before Bishop Gardiner's book *De Verâ Obedientiâ*[f]; if he had suffered by the oath of supremacy, he had but been scourged with a rod of his own making.

[Their re-ordination of our clergy no argument against the validity of our orders.]

Their next reason to prove the nullity of our holy orders, is taken from "the constant practice of the Roman-Catholics, to reordain Protestant ministers[g], not conditionally but absolutely," which they call "an evident argument of our mere laity."

[d] [See above p. 54. note r.]

[e] [See Replic. to the Bp. of Chalced., c. vii. sect. 1. (vol. ii. p. 222.) Disc. iii. Pt. i.]

[f] [See Just Vindic., c. iii. vol. i. p. 121.—Replic. &c., c. iii. sect. 2. vol. ii. pp. 100, 101; and c. vii. sect. 1. ibid. pp. 217, 218: Discourses ii. and iii. Part i.]

[g] [Re-ordination of Anglican clergymen has undoubtedly been the unvarying practice of the Roman Churches since the year 1704, when the rule was so determined by Clement XI. in the case of one John Gordon, sometime Bishop (not of Glasgow but) of Galloway (see Keith, Hist. Catal. of Scottish Bps., p. 284. ed. Russell), and then a convert to the Romish Church, who upon his petition (setting forth the Nag's Head story and the alleged invalidity of Edw. VI.'s Ordinal) was re-ordained "ad omnes ordines" (Le Quien, Null. des Ordin. Angl., tom. ii. pp. 313, &c.; and Pr. Just. num. v.—Elrington, pp. 145-152).—Gordon's own application, followed by what professed (although with very little ground) to be a formal examination of the question, proves that it had not been the invariable practice before that time:—and this view is confirmed by the facts. First, in the beginning of Qu. Mary's reign, the existing clergy, *by whatever ordinal ordained*, were *confirmed* in their orders, a distinction which *did not amount to re-ordination* being taken by Bonner in compliance with Qu. Mary's directions between those ordained by the old and those ordained by the new form, and *no distinction at all* by Cardinal Pole. This is proved,—1. by the admission of Sanders, De Schism. Angl. lib ii. pp. 293, 306 (see above p. 62);—2. by Bonner's rehabilitation of Scory in July 1554 (see above p. 70. note s);—3. by Art. 15 of a "Letter with Articles" sent by Qu. Mary to Bonner March 4, 1553-4; directing, with reference to "such persons as were heretofore promoted to any orders after the new sort and fashion of orders, considering they were *not ordered in very deed*," that "the Bishop of the Diocese

A doughty argument indeed, drawn from their own authority. Can any man doubt, that they which make no scruple of taking away our lives, will make conscience of taking away our orders? This is that which we accuse them of, and they do fairly beg the question. If re-ordination be sacrilege (as they say it is), we are ready to convince them of gross sacrilege; or iterating all the essentials of ordina-

. . may *supply* that thing which was wanting in them before, and then according to his discretion *admit* them to minister;" compared with Art. 29. of Bonner's Visitation Articles in 1554, which directs enquiry, "whether any such as were ordered schismatically and contrary to the old order and custom of the Catholic Church, . . *being not yet reconciled nor admitted* by the ordinary, have celebrated or said mass," &c. (ap. Burnet, Records, Pt. II. bk. ii. numm. 10. 15); 4. by the Breve of Julius III. to Cardinal Pole March 8, 1554, compared with the commissions issued accordingly to the Chapter of Canterbury and to the several Bishops, wherein they are authorized to confirm all clergy in their respective orders, "*etiam ab hæreticis et schismaticis Episcopis, etiam minus rite, dummodo in eorum*" (ordinum) "*collatione Ecclesiæ forma et intentio sit servata*, per eos susceptis" (see above pp. 59-62; and Wharton's Specim., Append.), and with the fact that no record whatever of re-ordination at this time, remains in the Registers hitherto searched for that purpose, viz. those of the (principal) sees of Canterbury, London, and Norwich (Tanner, ap. Couray., Déf. de la Diss., liv. iv. c. 9). On the other hand, in 1555, when Ridley was degraded, his Episcopal orders were not recognised, and by one of the commissioners (Brooks, Bp. of Gloucester) were denied, although another (White, Bp. of Lincoln) acknowledged him to have been consecrated by the *old* ordinal, and Cardinal Pole's commission, including both Latimer and him under the description of "pretenced Bishops," directed the degradation of both *as Bishops* (Foxe, Acts and Mon., vol. iii. pp. 416, 417, 427). Farrer, Bp. of St. David's, in the same year (Foxe, ibid. p. 178;—consecrated Sept. 9, 1548, by the old ordinal), and Hooper, of Gloucester, in 1554 (Foxe, ibid. p. 125;—consecrated by the new ordinal March 8, 1550-1), were likewise degraded from Priest's orders only; and Taylor, of Lincoln, in 1553 (consecrated by the new ordinal June 6, 1552), was displaced from his see on the ground of the "nullity of his consecration" (Collier, Ch. Hist., vol. ii. p. 365). Secondly, after the time of Qu. Mary, and subsequently to the alleged consecration at the Nag's Head, among instances of re-ordination, whether at the party's own request (as in the case of Harding, —Detection, &c., fol. 230. b.), or not (see Le Quien, tom. ii. pp. 308, &c.), and with a very general denial of English orders by English Romanists (but upon what grounds, see below pp. 124—130, and notes), there occur on the other side,—1. the offer of Pius V. to acknowledge the Engl. "Liturgy" (which would include the Ordinal); see above Replic. &c., c. ii. sect. 6, vol. ii. p. 85. note 1; Twysden, Hist. Vindic., c. ix; and other authorities quoted by Couray., Déf. de la Diss., liv. v. c. 3;—2. The case of Dr. Carrier, on whose application to the Pope in 1613 an offer of reconciliation was allowed to be made not involving re-ordination; see Carrier's Letter to Kg. James § 46. p. 52. ed. 1649, quoted by Courayer, ibid., and another letter of Carrier's to the Abp. of Canterbury in Dodd, Ch. Hist., vol. ii. p. 517. Pt. V. bk. iii. art. 7;—3. The case of Dr. Gough in the time of the Rebellion, whose (English) orders were acknowledged by the Sorbonne, although denied by the then Pope; see Prideaux, Valid. of Orders of Ch. of Engl., p. 78.—Le Quien, tom. ii. pp. 316, 317.—4. The authority of Cudsemius (De Desper. Calvin. Causâ Tract., c. xi. p. 122. Mogunt. 1609), and of Bossuet and others in 1690 and 1699 (ap. Couray., Dissert., Pr. Just. art. i., and Déf. de la Diss., Pr. Just. art. i), affirming in general the validity of Engl. Orders; and of S. Clara in 1634 (Expos. Paraph. Artic., art. 36), and Walsh (Hist. of Irish Remonstr., Advert. p. xlii. n. 13. in 1674; and Letters to Persons of Quality &c., Pref. pp. 26-30. § 6. in 1686), affirming the validity of the English Ordinal.]

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tion, the same matter and the same form (that is, for Episcopacy, the same imposition of hands by three Bishops, and the same words "Receive the Holy Ghost," &c.). Some were of the same mind with these Fathers in Queen Mary's time: but Paul the Fourth and Cardinal Pole were wiser, who confirmed all ordinations in Edward the Sixth's time indifferently, so the persons professed but their conformity to the Roman religion. How doth this consist with your pretended nullity?

[Our records not concealed.]

They say, our "records were produced by Mr. Mason in the year 1613, fifty years after they ought to have been shewed."

They forget, that they were published in print in Archbishop Parker's lifetime; that they were justified by the Parliament, 8. *Elizabethæ*; that all of them go hand in hand with our civil records[h].

He saith, "it cannot be testified by any lawful witnesses" (produced by us), "that they were not forged."

This is their method, first, to accuse us of forgery, and then to put us to prove a negative. Where learnt he this form of proceeding? By all laws of God and man, the accuser is to make good his accusation. Yet we have given him witnesses beyond exception[i].

They say, "There cannot be a more evident mark of forgery than the concealment of registers, if they be useful and necessary to the persons in whose custody they are."

The proof lieth on the other hand. Tell us how they were concealed, which were published to the world in print, by a whole Parliament, by private persons; and were evermore left in a public office, where all the world might view them from time to time, who had either occasion or desire to do it? That our adversaries did "insult and triumph over" us, is but an empty flourish, without truth or reality; as we shall see presently.

[Of the quality of their witnesses.]

They say, "It is not worth refuting, which some modern Protestants say, ye have no witnesses of the story of the Nag's Head," &c., "but Roman Catholics; we value not their testimony, because they are known adversaries." This answer they term "ridiculous," and parallel it with the answer of an officer in Ireland.

You will not find this answer so "ridiculous" upon more

[h] [See above pp. 71, &c., 94, 96.]

[i] [See above pp. 97, 98.]

serious consideration. Protestants know, that some exceptions in law do destroy all credit, and some other exceptions do only diminish credit. An adversary's testimony may be admitted in some cases, but it is subject to exception and makes no full proof; especially in cases favourable in the law, as the case of persons spoiled (which is your Irish case), such witnesses may be admitted; '*ante omnia spoliatus restituí debet:*' but then they ought to make up in number what they want in weight.

[Mr. Neale no witness at all.]

But you mistake wholly. Our answer is not, that 'you produce no witnesses for the story of the Nag's Head but Roman Catholics:' our answer is, that you produce no witnesses at all, neither Roman Catholics nor others.

For, first, one witness is no witness in law. Let him be beyond exception duly sworn and examined, yet his testimony makes but '*semiplenam probationem*'—'half a proof;' especially in criminal causes such as this is, it is nothing. "One witness shall not rise up against a man for any iniquity or any sin; . . at the mouth of two witnesses, or at the mouth of three witnesses, shall the matter be stablished:"—which law is confirmed by our Saviour. They were never yet able to pretend any eye-witness by name, but Mr. Neale; or somebody that had no name, because he had no being in the nature of things[k]. All the rest had it from Mr. Neale's single testimony, because they cannot testify what was done, but what Mr. Neale said[l].

Deut. xix. 15.

Matt. xviii. 16.

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[k] [See above pp. 44, 102, 103. To what is said in the text may be added, that Neale died in 1590, 14 years before his testimony was publicly cited. And see Mason, bk. iii. c. 8. § 6, 7.]

[l] [Other witnesses (so called), independent of Neale, all cited after their deaths, were brought forward at different times in support either of the story according to Holywood's version or of something like it: viz. 1. Stow, *said* by Champney (in 1616) to have *said* to certain persons *unnamed*, that he believed the story, although afraid to insert it in his Chronicles (see below in c. ix.). Stow died in 1605.—2. Holinshead, of whom the same tale is repeated by the same author. He died between 1578 and 1582. 3. Parsons, also at third hand and by hearsay and after his death; see above p. 45. note a. 4. Thomas Darbyshire, nephew to Bonner, and sometime Archdeacon of Essex, deprived 1559, died abroad 1604 (Newcourt, vol. i. p. 72.—Wood, Fasti), first quoted in 1654 by the author of the Legacy to Protestants. His story *does not agree* with that of Holywood (see above p. 39. note f). 5. Father Faircloth, who is *said* to have *told* a Mr. Ployden, from whom Talbot had his information, that his father living in Cheapside in 1559 was an eye-witness to the Nag's Head consecration;—Addend. to Nullity &c. (not contained in every copy of the book), quoted by Le Quien (Null. des Ordr. Angl., tom. i. p. 201). 6. A person *unnamed*, whose *father heard* a letter *read* addressed by Bonner to Abp. Heath at the time and affirming the Nag's Head story, alleged in the Legacy to Protestants. Le Quien himself confesses, what is obvious enough, the worthlessness of such evidence as this (Null. Des Ordin. Angl., tom. i. p. 218).

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Secondly, Mr. Neale testifieth nothing as a single witness ought to testify. He was never sworn to speak the truth, he never testified it before a public notary, he was never examined before a competent judge, he was never produced before the face of a Protestant. Is this the manner of the Romans now-a-days, to condemn whole Churches upon the verbal testimony of a single witness, before he be brought face to face with those whom he accuseth? and such a testimony, which is clogged with so many improbabilities and incongruities and incoherences, that no rational impartial man can trust one syllable of it? whereas in such a case as this, against the third estate of the kingdom[m], against the records civil and ecclesiastical, against the testimony of a Parliament, a hundred witnesses ought not to be admitted.

[Mr. Fitz-Herbert's suspicions.]

We regard not "Mr. Fitz-Herbert's suspicions" at all. What are the "suspicions" of a private stranger to the well known credit of a public register? His "suspicions" can weigh no more than his reasons; that is, just nothing. He saith, "This exception is no new quarrel, but vehemently urged to the English clergy in the beginning of the Queen's reign, to shew how and by whom they were made Priests, Bishops," &c. You have said enough to confute yourselves, but you touch not us. If they had known that they were consecrated at the Nag's Head, as well as you would seem to know it, they needed not to "urge" it so "vehemently," to shew how and by whom they were ordained; they would have done that for them readily enough; unless perhaps you think that they concealed the Nag's Head Ordination out of favour to the Protestants. But I see you are mistaken in this as in all other things. There was an old objection indeed, that our consecraters were not Roman Catholics, and that our consecration was not "*ritu Romano*," or that we were not ordained by Papal authority[n]: but the Nag's Head Ordination is a new question. What might be whispered underhand in the ears of credulous persons of your own party in corners, we do not know: but for all your contrary inti-

And it must be remembered, that there remains to be contrasted with it a *perfect silence* upon the subject of any such story prior to Holywood in 1604, in any published work either of Romanists or others. A silence which is denied indeed, but which no one passage has ever yet been brought forward capable of disproving. See below pp. 124, &c.]

[m] [See Blackstone, bk. i. c. 2. § 2.]

[n] [See pp. 127. note r, 128. note u.]

mations, none of all your writers did dare to put any such thing in print for above forty years after Archbishop Parker's consecration. If "silent witnesses in such circumstances prove more than others," as you affirm, then all your writers are our witnesses. But none of all your doctors did ever urge any such thing as required that we should cite the registers in prudence, as by a clear answer to all your testimonies shall appear[o]. The 'water did not stop' there in those days. Yet even in Archbishop Parker's lifetime, the consecration of our Bishops was published to the world in print[p]; either shew us as much for your Nag's Head Ordination, or hold your peace for ever. Bishop Andrewes the learned Bishop of Winchester's "absurdities, falsities, and lies," are easily talked of; men may talk of black swans; but he who hath laid your greatest champions in the dust, requires another manner of discoverer than Mr. Fitz-Herbert[q].

[The Canterbury register published to the world before Mr. Mason's book.]

But these Fathers are resolved to confute themselves, without the help of an adversary. They tell us, that "no mention was ever made of registers testifying Parker's consecration at Lambeth, until Mr. Mason printed his book."

This is not true; they were mentioned by the Parliament, mentioned in print, I think before Mr. Mason was born. What though Lambeth were not mentioned, if the legality of his consecration were mentioned? This is enough to answer your objection; this is enough to confute your romance of the Nag's Head. Yet thus much you yourselves confess in the same paragraph, that in a book printed in the year 1605[r] (that is, eight years before the year 1613, wherein you say that Mr. Mason printed his book) called *Antiquitates Britanniæ*, there is "a register of the Protestant Bishops of England:" then there was a register of the consecration of Protestant Bishops extant, before Mr. Mason did write of that subject. You say, "That register doth not mention any certain place or form of their consecration." It was not

[o] [Below pp. 124, &c.]

[p] [See above pp. 96, 97.]

[q] [Fitz-Herbert's Supplement bears in the title-page, that it comprises "also, an Adjoinder contayning a confutation of certaine Absurdities, Falsities, and Follies, uttered by M. D. Andrewes in his Answere to Cardinall Bellarmine's Apology," &c. The word "lies" in the text apparently should be "follies."]

[r] [Viz. De Antiq. Brit., p. 39 (misprinted 37), ed. Hanov. 1605.]

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needful; the law prescribeth the form, and the place was indifferent, so it were a consecrated place, which the law doth likewise prescribe. But you tell us further, that "this register was forged or foisted in," and that your "learned" but nameless "friend see the old manuscript of that book, wherein there is no mention of any such register[s];" which you tell us in your friend's words, that "all the world may 469
see how this register was forged." Why are "all the world" bound to believe your friend? How should we give credit to a man who tells us three notorious untruths in four lines? First, that it is pretended that "Archbishop Parker was made a Bishop by Barlow, Scory, and three others[t]," by virtue of a commission from Queen Elizabeth: he was made a Bishop by Barlow, Scory, and two others: secondly, that this work was acted on the 17th day of "September, anno 1559;" which was acted on the 17th day of December, 1559. Thirdly, that we "had no form then or order to do such a business[u];" whereas you yourselves confess, that "Edward the Sixth's rite of ordination was re-established in the first year of Queen Elizabeth:" and Archbishop Parker's ordination was in the second of Queen Elizabeth. He who stumbles so thick and threefold, may err in his viewing the manuscript as well as the rest. But to gratify you, suppose it was "foisted in," what good will that do you? It must of necessity be "foisted in" before it was printed; it could not be "foisted in" after it was printed. And it must be "foisted in" by a Protestant, for no Roman Catholic would "foist it in." So still, you see, a register of Protestant Bishops was published to the world in print eight years before Mr. Mason published his book.

[The *Antiquitates Britannicæ* first published in 1572.]

Your friend saith, that "this printed book of Parker's, *Antiquitates Britannicæ*, is the first that mentioneth any such

[s] [The Register in question is not contained in all the copies of the De Antiq. Brit. ed. 1572; e. g. it is in neither of those in the Bodleian Library. Those in Merton and Lambeth Libraries do contain it. See also above p. 11. note c. in fine. The passages in the text quoted by Talbot, seem to be borrowed from a book of one R. Brerely (Judgment of the Apostles &c., by R. B., c. xxvi. pp. 349, 350, Douay 1632); from whom Ward (Errata of Protest. Bible, p. 75), and Le Quien (Null. des Ordin. Angl., tom. i. p. 414), repeat the assertion. Unfortunately for their credit, the *MS.* mentioned has no existence whatever.]

[t] [This is taken apparently from Sutcliffe's erroneous statement, that there were *two* suffragans assisting at Parker's consecration, instead of *one*. See below p. 131.]

[u] [Treat. of Cathol. Faith &c.,] p. 10.

pretended consecration of him and the rest." So it might be well, when it was first printed; that was not in the year 1605, but in Archbishop Parker's lifetime, three years before his death, anno 1572[x]. So much you might have learned from the very title-page of the book, printed at Hannow,—"*Historia antehac non nisi semel, nimirum Londini in ædibus Johannis Day anno* 1572, *excusa*"—"That this History was printed formerly at London in the house of John Day in the year 1572[y]." This doth utterly destroy the credit of your friend's relation, that he had viewed the "manuscript of that book." There needed no "manuscript," where they had a printed book for their copy (as the title-page telleth us they had); and that printed above sixty years before your friend writ, it is probable before his birth. If there be any thing of "foisting" in the case, there is rather something foisted out of the former edition[z] than foisted in; namely, Archbishop Parker's Life until that time[a], with the particular consecra-

[x] [See above p. 11. note c. and pp. 96, 97.]

[y] [The full title of the edition of 1605 runs thus, "De Antiquitate Britannicæ Ecclesiæ, et nominatim De Privilegiis Ecclesiæ Cantuariensis atque De Archiepiscopis ejusdem LXX, Historia (&c. as above in the text), nunc vero boni publici ergo recognita et recusa." It was taken from one of the worst and most imperfect copies of the edit. of 1572, accord. to Drake (Preface to his edition), and omits the Life of Parker altogether (with of course "the particular" account of the several consecrations which it contained), but contains the table or register described below in p. 122. For the genuineness of the edition of 1572, see above p. 11. note c.]

[z] [There are two Latin Lives of Abp. Parker in existence, both (most probably) from the pen of Joscelin; one appended to the Historiola (see above p. 11. note f), of which the Puritan "Lyfe" is a translation; the other (which is a distinct Life, although containing many passages almost identical with the first named) inserted in the De Antiq. Brit. Eccl. The latter is not in all the copies of the first edition of the last named book; and where it does exist, is continued to very different periods, the book having been printed under the Archbishop's own superintendence for private distribution among his friends, and each successive copy containing additional matter, more or less, according to the year in which it was given away. No copy (accord. to Drake's edition) continued the account to the death of the Archbishop, and most of them break off about the year 1572 (that in Merton Library, which is one of the longest, goes down to March 3, 1573, i. e. 1573-4), and after a couple of blank leaves, conclude with an account of the Archbishop's domestic life, literary undertakings, &c., and lastly his intended epitaph. An account of the book may be found in Strype, Parker, bk. iv. c. 22. and Append. num. lxxxix.; Master's Hist. of Benet Coll., pp. 111—113. ed. Lamb; Wharton, Anglia Sacra, Preface; Courayer, Déf. de la Diss., Pr. Just. art. xii; and the Matthæus itself (or Life of Parker) is printed in the Append. to Strype, num. xc, from a copy then in the Bishop of Ely's possession, now in the Bodleian Library. See also above page 12. note d.]

[a] [This edition is usually dated in 1572, because that is the date which appears in the printed title-page, where either date or title-page occur at all; e. g. in one of the copies in the Bodleian Library. The copy in Merton Library, which continues the history to 1574, has no *printed* date at all in the title-page, but 1572 is written upon it.]

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tions of our first Bishops; which were in the London edition, and are omitted in this edition of Hannow. This is clear enough by the very title—"A History of seventy Archbishops,"—and there are in this edition but sixty-nine Archbishops, because the Life of Archbishop Parker is wanting; which nevertheless is promised in the Life of Archbishop Warham p. 312, —"*Ut in Matthæi Parker Cantuariensis Archiepiscopi vitâ inferius dicemus*"—"As we shall say hereafter in the Life of Matthew Parker Archbishop of Canterbury[b]." You see how infortunate you are in accusing others of forgery.

[The register which that book contains, a genuine portion of it.]

Your author proceedeth, "Any man reading the printed book, will manifestly see it is a merely foisted and inserted thing, having no connexion, correspondence, or affinity, either with that which goeth before, or followeth it."

Say you so? There was never any thing more fitly inserted. The author undertaketh to write the Lives of seventy succeeding Archbishops of Canterbury, from Austin to Matthew Parker, and having premitted some general observations "concerning the antiquity" of Christian religion in Britanny, with the "names of some Archbishops of London," and "the original and changes of Episcopal sees in England," and some other generalities concerning "the privileges of the see of Canterbury," and the conversion of Kent; just before he enters upon the life of St. Austin the first Archbishop, he presenteth the reader with a summary view of the Archbishopric of Canterbury, at that time when the book was first printed, in the year 1572; with the names of all the Bishops of the province at that time, their countries, their arms, both of their sees and of their families, their respective ages, their universities, their degrees in schools, with the times of their several consecrations, if they were ordained Bishops, or confirmations, if they were translated from another see. It is hardly possible for the wit of man to contrive more matter into a lesser room. Then he sets down a like table for the province of York; and, lastly, an alphabetical catalogue of the Bishops, whose Lives were described in this book, and among the rest, Archbishop Parker; whose Life (if you call it "foisting") is "foisted" out of this Hannow edition. If this hath "no 470

[b] [p. 312. l. 31. ed. 1695. Parker's name occurs also in the table of Lives (at p. 40 of this edition), of course without reference to any page of the volume.]

connexion or affinity with that which goeth before, and followeth after," I know not what connexion or affinity is.

[And consistent with the rest of the book.]

Your friend's last exception against the authority of that book called *Antiquitates Britanniæ*, is, that "it[c] containeth more things done after Matthew Parker had written that book." So you confess, that Archbishop Parker himself (about whom all our controversy is) was the author of that book[d]; wherein I agree with you. The conclusion of the preface[e], and many other reasons[f], invite me to do so. Surely this author meant, that there is something contained in this register, which is not within the compass of the following Lives in the Hannow edition (that may well be, because Matthew Parker's Life is foisted out in this edition); but there is nothing which was not in the London edition, much more largely than it is in this register, especially for the confirmations and consecrations of our Protestant Bishops: there is nothing after the time when this register was made, which is prefixed in the frontispiece of it in the Hannow edition, with M. P. for Matthew Parker[g]. Matthew Parker died May the 27th, anno 1575: he printed his book at London three years before his death, without the author's name, in the year 1572. I appeal to the ingenuous reader (let him be of what communion he will, or never so full of

[c] [i. e. the register or table just described.]

[d] [See above p. 11. note d.]

[e] [With all deference to Bramhall's judgment, the last words of the Preface appear to lead to a rather different conclusion; viz. that the *actual composition* of the book was the work either of Jocelyn or of some one dependent upon the Archbishop, and not of the Archbishop himself. They run thus,—"Cujus" (i. e. fructûs e libro percipiendi) "tota laus ei tribuenda est, qui eâdem vigilantiâ et sedulitate, quâ singula quæ ad Xtianam gerendam Ecclesiam sunt necessaria, rimatur atque colligit, etiam in istius sedis antiquitatem penitus retrospexit, nosque peregrinantes ac errantes ad certissimam rerum nostrarum fidem atque veritatem amanter iterum reduxit domum," &c.]

[f] [See p. 11. note d.]

[g] [The last date in the above-mentioned table or register (whether in the editions of 1572 or 1605), is that of the consecration of Edmund Freake to the see of Rochester, 9 March, 1571 (i. e. 1571-2). A list of Kings and contemporary Archbishops, which occurs likewise in many copies of the edition of 1572, but is not in the Hannow edition, extends to Abp. Parker inclusive as printed, but with the addition in MS. of Grindal and Whitgift and no more, in one copy in the Bodleian; as is the case also with a list of Cambridge Bishops in the account of Cambridge University, which is added to most of the copies of the edit. of 1572, in that preserved in Merton Library. These may be added to the multiplied proofs of the absurdity of supposing the edition of 1572 to have been a forgery of 1605. Further, May 27 in the text is a misprint or mistake for May 17; the day on which the Archbishop really died (Strype's Parker, bk. iv. c. 44). And, lastly, the table in question contains several errors, one or two in common with the Life of Parker itself (see above p. 92. note q), others either obvious misprints or as obviously arising from carelessness.]

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prejudice), whether it be credible, that Archbishop Parker's own book should be printed in London by the Queen's printer, in his lifetime, and have any thing foisted into it contrary to his sense.

Here then we have a register of Protestant Bishops, with their confirmations and consecrations, published to the world in print at London by Archbishop Parker himself (who was the principal person and most concerned in that controversy); as if it should dare all the adversaries of our Church to except against it, if they could. Registers cannot be concealed, being always kept in the most public and conspicuous places of great cities, whither every one hath access to them who will. They need no printing, but this was printed (a work of supererogation). They who dared not to except against it then, when it was fresh in all men's memories, ought not to be admitted to make conjectural exceptions now.

[Of the testimony of their own doctors against the validity of our orders.]

Now the Fathers come to shew, how their doctors did object to our Protestant clergy "the nullity and illegality of their ordination." If their doctors give a cause or reason of their knowledge, we are bound to answer that: but if they object nothing but their own judgment and authority, we regard it not; their judgment may weigh something with them, but nothing at all with us. This is not to make themselves advocates, but judges over us, which we do not allow. If I should produce the testimonies of fourscore Protestant doctors, who affirm that we have a good succession, or that their succession is not good, what would they value it?

[1. Dr. Bristow gives no reasons for his determination upon the subject.]

The first is Dr. Bristow;—"Consider what Church that is, whose ministers are but very laymen, unsent, uncalled, unconsecrated, holding therefore amongst us, when they repent and return, no other place but of laymen, in no case admitted, no, nor looking to minister in any office; unless they take orders which before they had not [h]."

[h] [Motives to the Cathol. Faith, § 21. fol. 91. a. Antw. 1574, and 1599; quoted by Talbot from Champney. The latter clause stands in the original thus: "unless they take *our* orders which before they had not," the word omitted by Champney and Talbot destroying the whole force of their argument. Bristow in fol. 90. b. had affirmed, that the English "seek as much as they can possibly, to be consecrated by one of our" (Romanist) "ordre, least there might some danger or doubt aryse afterward of their *right* institution;" and in § 22. fol. 93. a, 94. b. he denies that they can shew "the *lawful, orderly, intiere,* without any breach, and sound notorious succession of Bishopes," &c., "ever synce the Apostles' tyme." The man who

Here is Dr. Bristow's determination, but where are his grounds? He bringeth none at all, but the practice of the Roman Church, and that not general. Paul the Fourth and Cardinal Pole and the Court of Rome in those days were of another judgment; and so are many others; and so may they themselves come to be, when they have considered more seriously of the matter,—that we have both the same old essentials. That which excuseth their re-ordination from formal sacrilege (for from material it cannot be excused upon their own grounds), is this, that they cannot discover the truth of the matter of fact, for the hideous fables raised by our countrymen. But where is the Nag's Head Ordination in Dr. Bristow? Then had been the time to have objected it, and printed it, if there had been any reality in it. Either Dr. Bristow had never heard of this merry pageant, or he was ashamed of it.

Here we meet with Dr. Fulke again, and what they say of him shall be answered in its proper place [i].

[2. Nor Mr. Reynolds.]

Their next witness is Mr. Reynolds;—"There is no herdsman in all Turkey, who doth not undertake the government of his herd upon better reason, and greater right, order, and authority, than these your magnificent apostles," &c. [k]

And why a "herdsman in Turkey," but only to allude to his
471 title of "*Calvino-Turcismus?*" A "herdsman in Turkey" hath as much right to order his herd, as a herdsman in Christendom;

affirmed this and *no more*, had certainly never heard of the Nag's Head story. And the case is plainer from the fact, that Worthington, who in 1608 (four years *after* Holywood) published a Latin work founded on Bristow's and professing to be a translation of it by Bristow himself, although almost entirely a different book, *adds to the above passage* an assertion, that Parker, Grindall, Sandys, Horne, and the others, having been ordained priests "secundum Catholicum ritum," thought themselves Bishops and even Archbishops "sine novâ ordinatione," and were made Bishops "vel solis literis Regiis vel ridiculâ quâdam consecratione eorum qui nullam nisi a Reginâ potestatem consecrandi acceperant" (Antihæret. Motiva, Motiv. 24. § 4. pp. 266, 277). And even this (which is unfairly quoted by Le Quien as from Bristow in 1567;—if it was his, it was not published until 1608, which was after his death) falls very far short of the Nag's Head story.]

[i] [See below in c. ix.]

[k] [Calvino-Turcism., lib. iv. c. 15. p. 914. Antw. 1597; quoted by Talbot from Champney. Reynolds is speaking in the passage in question principally of foreign Protestants; and affirms of their ministers and (perhaps, but not expressly) of the English clergy, that they are so "nullo Episcopo designante;" which proves nothing as to his grounds for denying English orders, but merely the fact that he did deny them. In page 909 where he is speaking in particular of the English Church, as appears by a particular address to "Englishmen," he speaks of English Bishops as having no vocation "nisi a solâ Principe," but immediately explains himself to be speaking of their "*election*," scil. by the intervention of the Royal letter missive.]

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unless perhaps your Doctor did think, that dominion was founded in grace, not in nature. This is saying, but we expect proving. It is well known, that you pretend more to a "magnificent Apostolate," than we. If the authority of the Holy Scripture (which knoweth no other essentials of ordination but "imposition of hands [l]," and these words, "Receive the Holy Ghost[m]"), if the perpetual practice of the Universal Church [n], if the prescription of the ancient Council of Carthage [o] and above two hundred orthodox Bishops, with the concurrent approbation of the Primitive Fathers [p], be sufficient grounds, we want not sufficient grounds for the exercise of our sacred functions. But, on the contrary, there is no "herdsman in Turkey," who hath not more sufficient grounds or assurance of the lawfulness of his office, than you have for the discharge of your holy orders upon your own grounds. The Turkish herdsman receives his master's commands without examining his intention; but according to your grounds, if in a hundred successive ordinations there were but one Bishop who had an intention not to ordain or no intention to ordain, or but one Priest who had an intention not to baptize or no intention to baptize any of these Bishops, then your whole succession cometh to nothing. But I must ask still, where is your Nag's Head Ordination in all this? Mr. Reynolds might have made a pleasant parallel between the Nag's Head Ordination and the ordination of the Turkish Mufti, and wanted not a mind mischievous enough against his Mother the Church of England, if he could have found the least pretext: but there was none. You "seek for water out of a pumice [q]."

[Acts vi. 6, xiii. 3, xiv. 23.—1 Tim. iv. 14, v. 22, —2 Tim. i. 6.] [John xx. 22.]

[3. Dr. Stapleton objects *illegality* to our orders, but says nothing of the Nag's Head Consecration.]

Their third witness is Dr. Stapleton, in his Counterblast against Bishop Horne;—"To say truly, you are no Lord Winchester, nor elsewhere, but only Mr. Robert Horne; . . Is it not notorious that you and your colleagues were not ordained according to the prescript, I will not say of the Church, but even of the very statutes? How then can you

[l] [See Mason, bk. ii. c. 16.]

[m] [See Mason, ibid.]

[n] [See this proved by Bellarmine himself, De Sacram. Ordin., lib. i. c. 9. (Op. tom. ii. pp. 1534. D, 1535. A. B), quoted by Mason, ibid.]

[o] [Concil. Carthag. IV. (A.D. 398), can. 2—4; ap. Labb., Concil., tom. ii. pp. 1199. D. E, 1200. A. Two hundred and fourteen Bishops assisted at this Council.]

[p] [See Bellarm., as before quoted, p. 1534. B—D.]

[q] [Plaut., Pers., I. i. 42.]

challenge to yourself the name of the Lord Bishop of Winchester? . . You are without any consecration at all of your Metropolitan, himself poor man being no Bishop neither [r]."

This was a loud blast indeed: but if Dr. Stapleton could have said any thing of the Nag's Head Ordination, he would have given another manner of blast, that should have made the whole world echo again with the sound of it. In vain you seek any thing of the Nag's Head in your writers until after the year 1600. For answer, Dr. Stapleton raiseth no objection from the institution of Christ, whereupon, and only whereupon, the validity or invalidity of ordination doth depend; but only from the laws of England. First, for the canons, we maintain, that our form of Episcopal ordination hath the same essentials with the Roman; but in other things of an inferior allay it differeth from it. The Papal canons were never admitted for binding laws in England, further than they were received by ourselves, and incorporated into our laws [s]: but our ordination is conformable to the canons of the Catholic Church, which prescribe no new matter

[r] [The quotation in the text is made up of three distinct clauses, as above marked; taken from widely separated passages:—viz. bk. i. c. 1. fol. 7. b, 9. b; bk. iii. c. 19. fol. 301. a. of the original edit., Louv. 1567, of Stapleton's Counterblast to M. Horne's Vayn Blaste against M. Fekenham (tom. ii. pp. 838, 839, 840, 1031, in Stapleton's Works, ed. 1620), written upon occasion of Horne's tendering the oath of supremacy to Feckenham, Abbot of Westminster. The second passage should stand thus, "were not ordained no not according to," &c. A perusal of the context of the above passages, which Talbot borrowed as they stand above from Champney, will prove beyond possibility of doubt, that the writer of them had never heard of anything in the slightest degree resembling the Nag's Head story. In his Preface to the Reader (pp. 828, 829. ed. 1620; not paged in edit. of 1567) he advances the legal objection noticed above p. 79. note p; in bk. i. c. 1. (here quoted) he specifies as the grounds of his denial of Horne's orders, 1. the want of the Pope's confirmation, 2. that he did not possess "*approbatam* et *assuetam* vocationem et consecrationem;" and lastly in bk. iii. c. 19 he returns to the legal objection. Other passages are quoted by Le Quien (Null. des Ordin. Angl., tom. i. pp. 260—282), and answered by Browne (cc. vii. viii. xi). They may be divided into two classes; 1. such as are taken from his earlier writings;—e. g. Counterblast. bk. i. c. 5. p. 33. b; bk. iv. c. 7. p. 458. b. ed. 1567; Fortress of Faith &c., Pt. ii. c. 8. pp. 142. b, 144. a. ed. 1565; Return of Untruths to Jewel, p. 130. ed. 1566;—of which the strongest expressions amount only to an absolute denial (not of the *fact*, but) of the *truth* of Engl. orders, Le Quien's arguments being founded in each case (and that very scantily) upon the Latin translation of these works publ. in 1620 (which is not Stapleton's), and *not borne out at all by the original English;* as may be seen at length in Browne: 2. such as are taken from works publ. 30 years later, e. g. Relect. Princip. Fidei, Controv. II. Qu. iv. art. 4. publ. in 1596, which seems to be the strongest passage, and in which he adopts the then current untruth, that Engl. Bps. were made so *in the first instance* (which must mean in the time of Edw. VI. and refer to his Act abolishing Congés d'Eslire &c.) "Solâ Regiâ authoritate" and not by imposition of hands.]

[s] [See Schism Guarded, Sect. i. c. vi. § 2, above vol. ii. pp. 431—434.]

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and form in priestly ordination. And for our statutes, the Parliament hath answered that objection sufficiently; shewing clearly, that the ordination of our first Protestant Bishops was legal[t]: and for the validity of it, we crave no man's favour.

[4. Nor Dr. Harding.]

Their last witness is Dr. Harding, who had as good a will (if there had been any reality in it) to have spoken of the Nag's Head Ordination as the best, but he speaketh not a syllable of it more than the rest; and though they keep a great stir with him, he bringeth nothing that is worth the weighing. First, he readeth us a profound lecture, that "*Sacerdos* signifieth both a Priest and a Bishop[u]." Let it signify so, and in St. Hierome's sense; what will he infer

[t] [See above pp. 94—96.]

[u] [Detection of Sundrie fowle Errours, &c., in the Defense of the Apologie, fol. 229. b. Louv. 1568, from Hieron., Adv. Lucif., tom. iv. P. 2. p. 295; quoted by Talbot from Champney. In the Confutat. of the Apologie, Pt. ii. c. 5. fol. 56. a—57. b, 59. a, b. Antw. 1565, Harding had affirmed, that exclusive of the "apostates" (viz. from the Romanist side) "that be fledde . . unto your congregation," "ye have not in your secte consecrated Bishops; and therefore being withoute Priests made with *lawfull* laying on of handes . . . how can ye say, . . that ye have any *lawful* ministers at all?" He had then gone on to distinguish between succession of person and succession of doctrine, and to deny Jewel *only* the latter, affirming in the margin that he could "prove no *lawfull* succession;" and demanding "the register" (not of his own consecration, as Talbot in answering Bramhall assumes, but) "of your Bishops continually succeeding one another from the beginning." From succession he passed on to vocation, demanding "who had laid hands on" Jewel, "who had consecrated him" Bp. of Salisbury, and other questions to the same purpose, adding that "Bishoppes have alwaies after the Apostles' tyme according to the ecclesiastical canons benne consecrated by three other Bishoppes *with* the consent of the Metropolitane and *confirmation of the Bishop of Rome*." The whole of this passage, with Jewel's answer (for which see below p. 129. note d) and Harding's reply, is repeated in the Detection &c. as above quoted, fol. 229. b—231. a. Another passage quoted with the same view as the above, occurs in fol. 59. a, b. of the Confutation, and fol. 197. a. of the Detection, where Harding demands of Jewel, in case he affirm his "vocation" to be "ordinarie," to "shew the letters" of his "orders"—or "*at least* shew us that you have received power to do the office you presume to exercise by *our* order of laying on of hands and consecration:" adding, that "order and consecration you have not; for who could give that to you of all these newe ministers how so ever you call them which he hath not himselfe?" For a detailed examination of this and other passages of Harding adduced for this purpose, see Browne, cc. ix. x. in reply to Le Quien, tom. i. pp. 288—309. It may be added here in general: 1. that Harding in denying the *validity* of his own ordination by the new Ordinal, implies the *fact* of that ordination, and therefore in arguing from his own case to Jewel's, bears testimony also to the *fact* of Jewel's consecration by that Ordinal, i.e. contradicts the Nag's Head story: 2. that it is impossible to believe, that Harding, or the others, knowing the Nag's Head story, would have omitted it, while the utmost licence which the most forced construction of their words would admit, will do no more than make that story a *possible interpretation* of them; 3. that Jewel did in his reply affirm the fact of his own consecration and that of the other Bishops by affirming (what alone was denied) the canonicalness of the way in which it was performed (see p. 129. note d): 4. that the words last quoted from Harding in this note *imply necessarily* that Harding believed Jewel to have been consecrated by Parker and others of the *new* Bps. and therefore not at the Nag's Head by Scory or Barlow.]

from thence? Next, he asks Bishop Jewel "of Bishoply and priestly vocation and sending[x]." What new canting language is this? Could he not as well have made use of the old ecclesiastical word of "ordination?" Thirdly, he taxeth the Bishop, that he "answereth not, by what example hands were laid on him, or who sent him[x]." What doth this concern any question between them and us? Hands were laid on him by the example of Christ, of His Apostles, of the primitive and modern Church; so Christ sent him, the king sent him, the Church sent him, in several respects. He telleth us, that when he had "duly considered" his Protestant ordination in King Edward's time, he "did not take himself for lawful deacon in all respects[y]." If his Protestant
472 ordination were a nullity (as these men say), then he was a "lawful deacon" in no respect. Pope Paul the Fourth and Cardinal Pole were of another mind. Then follow his two grand exceptions against our ordination, wherein you shall find nothing of your Nag's Head fable; the former exception is, that King "Edward's Bishops who gave orders were out of orders themselves[z];" the second is, that "they ministered not orders according to the rite and manner of the Catholic Church[z]." For the former exception, I refer him to the Council of Carthage in St. Austin's time[a], and for both his exceptions to Cardinal Pole's confirmation of King Edward's Bishops and Priests, and Paul the Fourth's ratification of his act[b]. If any man have a mind to inquire further into the validity of our form of ordination, let him leave these fables and take his scope freely.

To all this they say, that "Bishop Jewel answers with profound silence;" yet they add, "only he says without any proof, that their Bishops are made by form and order, and by the consecration of the Archbishop and other three Bishops, and by admission of the prince[c]." I expected "pro-

[x] [Confut. of Apol., Pt. ii. c. 5. fol. 57. b.—Detection &c., fol. 230. a.]

[y] [Detection &c., fol. 230. b.]

[z] [Ibid., fol. 231. a.]

[a] [See above p. 126, note o.]

[b] [See above pp. 60-63.]

[c] [Jewel's Defense of the Apologie, Pt. ii. c. 5. fol. 125, 129. ed. 1605.—"Wee denie not the consecration of three Bishops; wee denie not the confirmation of the Metropolitane; we ourselves are so consecrated and so confirmed: the matter that lieth between us, is this, whether thorow the whole Church of Christ no man may be allowed for a Bishop without the confirmation of the Pope;" and again—"Our Bishops are made, in forme and order, as they have beene ever; by free election of the Chapter; by consecration of the

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found silence," but I find a profound answer; this is the first time I learned, how a man can both keep "profound silence" and answer so pertinently all at once. How doth Dr. Harding go about to take away this answer?—for Bishop Jewel was the defendent, and the burden of the proof did not rest upon him. First, I pray you, "how was your Archbishop consecrated[d]?" If Dr. Harding did not see his consecration, he might have seen it if he would. He asks further, "what three Bishops were there in the realm to lay hands on him[d]?" Ask the Queen's letters patents, and they will shew you seven. What a weak Socratical kind of arguing is this, altogether by questions, without any inference? If Dr. Harding could have said it justly (and he could have said it if it had been so), he should have confuted him boldly, and told him, your Metropolitan was consecrated in the Nag's Head by one single Bishop, in a fanatical and fantastical manner: but he did not, he durst not do it, because he knew it to be otherwise, and it was publicly known to be otherwise. All his exception is against our form,—"If you had been consecrated after the form and order which hath ever been used, you might have had Bishops out of France, or at home in England[d]." It is the form established in King Edward's time, and restored in Queen Elizabeth's time, which Dr. Harding impugneth; not that ridiculous form which they father upon Bishop Scory: and their chief objection against that form, was that vain cavil, that it was not restored by Act of Parliament; which since hath been answered abundantly by an Act of Parliament. Hereupon he telleth Bishop Jewel, that his "Metropolitan had no lawful consecration[d]." Though his consecration had not been "lawful," yet it might have been valid, but it was both legal and valid. This is all that Dr. Harding hath, which a much meaner scholar than that learned prelate might have adventured upon, without fear of burning his fingers[e].

Archbishop and other three Bishops; and by admission of the prince."]

[d] [Detection &c., fol. 234. b.—A random mention of Harding's name by Godwin (in V. Parker ed. 1615) as asserting the N. H. fable, has been also produced, in defect of evidence from Harding's own writings.]

[e] [Osorius (a *Portuguese* Bp.,—In G. Haddon, De Relig. Libb. III., lib. iii. p. 185, b. ed. Diling. 1569), who questions Engl. orders (and is indignantly rebuked for it by Humfrey, Pref. to Life of Jewel, p. 12. Lond. 1573),—Parsons, under the name of Hewlet (Reasons why Cathol. refuse to go to Church, reas. 7. Douay 1580), denying Engl. Bps. to be consecrated

[Of the contradictions of our own writers in immaterial points.]

Their next proof against our records, is taken from the contradictions of our writers;—"Mr. Mason's registers and records disagree with those that Mr. Godwin used in his catalogue of Bishops, sometimes in the day, sometimes in the month, sometimes in the year[f]." And again,—"Mr. Mason[g], Sutcliffe[h], and Mr. Butler[i], all speaking of Mr. Parker's consecration, do all differ one from another in naming his consecraters: Mr. Mason saith it was done by Barlow, Scory, Coverdale, and Hodgkins; Mr. Sutcliffe saith, besides the three first there was[k] two suffragans; Mr. Butler saith, the suffragan of Dover was one, who is not named in the commission: so as these men seem to have had three disagreeing registers."

I answer, first, that it is scarcely possible to avoid errors in transcribing and printing of books, in the author's absence, especially in names and numbers. To keep a balling and a

by "Catholic" Bps. or to have passed through the inferior orders, and therefore Engl. clergy to be other than laymen (answered by Fulke),—the Rheims Testam. in 1582, on John x. 1, and Rom. x. 15, denying the "lawful sending and succession" of Protestant ministers in general (answered by Fulke, denying the necessity, but *affirming the fact as regards the Engl. Church*, of "lawful calling," &c.),—Weston, De Tripl. Hom. Off., lib. iii. p. 224. Antv. 1602, affirming Engl. Bps. to be made "sine aliquo sacro ritu" and "Reginæ solum constitutione,"—are also quoted by Champney and others. The matter of their objections compared with their *dates* is a sufficient answer.]

[f] [These "contradictions" are borrowed apparently by Talbot from Fitzsimon and Champney. See Mason, bk. iii. c. 17. § 2, 3. ed. 1625; and Lindsey's note. They are in that case five in number (all of them mistakes of *Godwin's*, and in dates), and are taken from the first and confessedly inaccurate edition of Godwin's work in 1601. Four of them are corrected in the editions of that book in 1615 and 1616; and the fifth, viz., the date of Poynet's consecration to the see of Rochester, given originally by Godwin as April 3, 1549, is corrected in his two last editions into June 26, 1550; whereas the true date (as appears from Cranmer's Register), which is that also given by Mason, is June 29, 1550. In three of Godwin's errors he agrees with the Table of Consecrations in the De Antiq. Brit. Eccl., which book therefore would appear to have been seen by him four years before its publication at Hanover in 1605.]

[g] [Bk. iii. c. 9. § 3. To these Le Quien adds Sir R. Baker, Chron. (p. 320. ed. 1674.) first ed. 1641 (notorious for its errors), who omits Hodgkins in relating Parker's consecration, besides other errors relating to other Bishops.]

[h] ["Bishop Parker was consecrated by the imposition of hands of Bishop Barloe, Bishop Coverdale, Bishop Scory, and two *suffragans*, mentioned in the acte of consecration yet to be seene; which not onely had succession from such Bishops as our adversaries account lawfull, but in deede were lawfull Bishops." Sutcl., Examin. and Confut. of Kellison's Survey &c., c. i. p. 5. Lond. 1606.]

[i] [Epist. de Consecrat. Minist., as quoted by Ward; and see Mason, bk. iii. c. 17. § 4. Who Butler was, and when his book was published, the present editor cannot ascertain. He is quoted before Champney in 1616. There was a suffragan of Dover in Cranmer's, and another in Parker's time, but both named Richard. It is possible, since Butler mentions no other suffragan (Mason, ibid.), that "Joh. Dorobern. Suffraganeus" (Butler, ap. Mason ibid.) may mean simply a suffragan of the province of Canterbury; as has been suggested. But most probably it is a mere blunder.]

[k] [So in the original edition.]

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stir about these errata of the pen, or of the press, is like the barking of little curs, which trouble the whole vicinage about the moon shining in the water. Such were the most of these.

Secondly, supposing that some very few of these were the real mistakes of the authors, yet innocent mistakes, which have no plot in them or design of interest or advantage, which conduce neither *pro* nor *contra* to any controversy that is on foot, they ought not to be exaggerated or pressed severely. It is the wisdom of a wise man to pass by an infirmity. Such are all these petty differences. Whether Archbishop Parker was consecrated by three city Bishops and two suffragan, or by three city Bishops and one suffragan 173
Bishop, and whether this one suffragan were suffragan of Bedford or suffragan of Dover, conduceth nothing to any controversy which is on foot in the Church, and signifieth nothing to the validity or invalidity, legality or illegality, canonicalness or uncanonicalness, of his ordination. All memories are not so happy, to remember names and numbers after a long distance of time, especially if they 'entered but by the ear,' and were not "*oculis subjecta fidelibus*[l]." If any man should put me to depose (wanting my notes and memorials) what Priests did impose hands upon me with Archbishop Matthews at my Priestly ordination, or what Bishops did join with my Lord Primate of Ireland at my Episcopal ordination, I could not do it exactly. I know there were more than the canons do require, at either ordination; and refer myself to the register. Whether two suffragans or one suffragan, is an easy mistake, when there were two in the commission and but one at the consecration. So is the suffragan of Dover for the suffragan of Bedford.

Thirdly, whether these were the faults of the pen, or the press, or the author, yet after retractation it ought not to be objected. It is inhuman to charge any man with that fault, which he himself had corrected and amended. Bishop Godwin corrected all these errors himself, without any monitor, and published his correction of his errors to the world in print long since, in a new edition of his book[m]. Likewise

[l] [Horat., A. P. 181.]

[m] [See above p. 131. note f; and Mason, bk. iii. c. 17. § 3.]

Dr. Sutcliffe acknowledged his mistake, and gave order to Mr. Mason to publish it to the world, as he did[n].

To ground exceptions upon the errors of the press, or the slips of the tongue or pen, or of the memory, after they have been publicly amended, is like flies to delight in sores and neglect the body when it is sound. I have the same error crept into a book of mine, of "five" for "four[o]"; how it came I know not, for the book was printed in my absence; but I have corrected it in mine own copy and in many copies of my friends, where I meet with the book.

Lastly, there is no danger in such petty differences, so long as all parties do subject themselves to the public registers of the Church, as all these writers do, although it may be some of them were better acquainted with polemic writers than with registers, or the practical customs of the Church of England. The very reference or submission of themselves to the register is an implicit retractation of their errors. As in a city the clocks may differ, and the people's judgments of the time of the day, but both clocks and clerks must submit to the sun dial, when the sun shineth out, so all private memorials must be, and are, submitted to the public register of the Church. Where these Fathers talk of plurality of registers, they err because they understand not our customs. Every Bishop throughout the kingdom hath one registry at least; every Dean and Chapter hath a registry. The ordinations of priests and deacons, and the institution of clerks to benefices, are recorded in the registries of the respective Bishops, in whose dioceses they are ordained and instituted; the elections of Bishops, and inthronizations, and installations, in the registry of the respective Deans and Chapters; and the confirmations and consecrations of Bishops, in the registry of the Archbishop where they are consecrated; except the Archbishop be pleased to grant a commission to some other Bishops, to consecrate the elected and confirmed Bishop in some other place. But the same thing cannot be recorded originally but in one registry.

[n] [Mason, ibid. § 5.]

[o] [Viz. in the account of this same consecration given in the Just Vindication, c. ix. above, vol. i. p. 270.]

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CHAP. IX.

DR. WHITAKER AND DR. FULKE DEFENDED—BISHOP BARLOW'S CONSECRATION JUSTIFIED—OF JOHN STOW'S TESTIMONY—AND THE EARL OF NOTTINGHAM'S, &c.

HERE the Fathers take upon them the office of judges or censors rather than of advocates.—"Mr. Mason ought to have answered as Mr. Whitaker and Mr. Fulke" (they were both eminent Doctors in the schools), "who had reason to be better informed of the records than he."

How? Nay, nor half so well. They were both contemplative men; cloistered up in St. John's College; better 474
acquainted with polemic writers than with records. They were both ordained deacons and Priests legally, canonically, according to the form prescribed by the Church of England; and were no such ill birds to defile their own nests[p]. If the records of their ordination will satisfy you that they were no enthusiasts (as you imagine), you may quickly receive satisfaction. But if they had said any thing contrary to our laws and canons, you must not think to wrangle the Church of England out of a good possession by private voluntary speculations.

Let us see what these Doctors say, as you allege them, for I have not their books in present.

[Dr. Whitaker defended.]

"Mr. Whitaker saith, I would not have you think we make such reckoning of your orders, as to hold our own vocation unlawful without them[q]." You see Dr. Whitaker justifieth our ordination in this very place as lawful, and much more plainly elsewhere in his writings;—that "though our Bishops and ministers be not ordained by Papistical Bishops, yet they are orderly and lawfully ordained[r];" again,—"The Romanists account none lawful pastors, but such as are created

[p] [Dr. Whitaker originally Fellow of Trin. Coll., Cambridge, Master of St. John's Coll. in 1586, died in 1595. Fulke was made fellow of St. John's, Cambr. in 1564, became afterwards Master of Pembroke Coll. and Margaret Professor of Divinity in that University, and died in 1589. See Tanner, and Strype's Parker, bk. iii. c. 23. To their (so called) testimony, has been added that of Udall, Demonst. of Discipl. (c. viii. p. 43. without name, place, or date), speaking of "the unreverent beginning and proceeding" with "the ordayning of Church ministers" in "a corner;" viz. not before the people.]

[q] [Respons. ad X. Ration. Campian. cont. Duræum, lib. ix., Op. tom. i. p. 225. Genev. 1610.]

[r] [Controv. cont. Bellarm. et Stapleton., Controv. II. Quæst. v. c. 6., Op. tom. i. p. 509. col. b.]

according to their form or order[s]." These are your two main objections against our ordination,—that we are not ordained by Bishops of your communion, [and] that we are not ordained according to the Roman form. In both of these, Dr. Whitaker is wholly for us against you: that which he maketh no reckoning of, is your form of ordination, as it is contradistinct from ours, as it is in many things, especially in your double matter and form in Priestly ordination.

[And Dr. Fulke.]

You say Mr. Fulke speaks more plainly; let us hear him. —"You are highly deceived, if you think we esteem your offices of Bishops, Priests and deacons, better than laymen; ... and with all our hearts we defy, abhor, detest, and spit at, your stinking, greasy, Antichristian orders[t]." This is high enough indeed, and might have been expressed in more moderate terms; but it is to be expounded, not of the invalidity of your ordination, as if it wanted any essential, but partly in respect of the not using or abusing these sacred offices, and partly in respect of the laws of England. Excesses may make an ordination unlawful, although they do

[s] [Ibid. col. a.—Whitaker in this chapter is disputing Bellarmine's doctrine concerning Succession of Bishops as a note of the Church; and in order to take up a ground which shall at once *include foreign Protestants* and *exclude Romanists*, he dwells strongly on doctrinal as distinct from personal succession, rests the claims of ministers on "extraordinary" vocation, and affirms Priestly to be equivalent to Episcopal orders. It is futile to argue from this against the *fact* of personal succession in the *English* Church.]

[t] [This quotation is made up of two passages from distinct tracts, as marked above; borrowed by Talbot, as they stand in the text, from Champney or Fitzsimon. The first is from Fulke's Aunswere of a True Christian to a Counterfeit Catholike, art. 13. p. 50. Lond. 1577; the second from his Retentive against Bristow's Motives, Motive 21. p. 69, Lond. 1580. It must be added, 1. that the Pref. to the Ordinal, ratified by Convocation in 1562, is a sufficient confutation of any such inference as is sought to be fixed on the above passages; and 2. that they are in themselves by no means a fair specimen of the ground taken by Elizabethan divines, or even by Fulke and Whitaker, in behalf of Anglican orders. See below p. 169, and the full account of the subject in Keble's Pref. to Hooker, pp. li.—lxxvii.: to which may be added the testimony of Fulke himself, Overthrow of Stapleton's Fortress, c. viii. p. 113. Lond. 1580;—that "imposition of hands is used of us in ordaining of ministers;" and that, "where he saith, that when all the Popish Bps. were deposed, there was none to lay handes on the Bps. that should be newly consecrated, it is utterly false; for there was one of the Popish Bps. that continued in his place, there were also divers that were consecrated Bps. in Kg. Edwarde's time:"—and of Bridges, Defence of Ch. Gov., bk. xv. p. 1276, publ. by authority in 1587 (and quoted by Fitzsimon in the very same page with the above), affirming pointedly and expressly, against the Puritans, the derivation of our orders through those of Roman Catholics. Further, although Dr. Aubrey, Grindal's Vicar-General, acknowledged Scotch presbyterian orders in 1582 (see Collier, Ch. Hist., vol. ii. p. 579), yet Whitgift on the other hand disallowed those of foreign Presbyterians in the case of Travers in 1584 (see Walton's Hooker, in Wordsw., Eccl. Biogr., vol. iii. p. 472, and note).]

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not make it invalid. Holy orders are an excellent grace, conferred by God for the conversion of men; but if those who have them, instead of preaching truth, do teach errors to His people, and adulterate the old Christian Faith by addition of new articles, they are no longer true pastors, but wolves, which destroy the flock; and so they are not only no "better," but worse than laymen; "*corruptio optimi pessima.*" In this respect they tell you, that your Priests and Bishops are not true Priests and Bishops; as Marcellus told his soldiers, that they were no true Romans (who were natural Romans), because they wanted the old Roman virtue[x]. Lastly, you have habitual power to exercise these offices, but you want actual power in England, by reason of the not-application or rather the substraction of the matter by our laws; so you are no legal Bishops or Priests there. This I take to have been the sense of these two doctors.

[Bishop Barlow's consecration justified.]

Now are we come to their grand exception, against Bishop Barlow, who was one of the consecraters of Archbishop Parker; whose consecration is not found in the Archbishop's register, and therefore they conclude that he was never consecrated.

If this objection were true, yet it doth not render Archbishop Parker's consecration either invalid or uncanonical, because there were three other Bishops who joined in that consecration, besides Bishop Barlow, which is the full number required by the canons[y]. But this objection is most false. Bishop Barlow was a consecrated Bishop above twenty years before the consecration of Archbishop Parker. They should have done well to have proposed this doubt in Bishop Bar-

[x] [Plutarch, in Vitâ Marcelli, tom. ii. p. 275. ed. Bryant.]

[y] [It appears by the Register, that Barlow presided at Parker's consecration; i. e. Parker was presented to him by the other Bishops, and the usual interrogations were addressed to Parker by him, while *all the four* Bishops together joined in the imposition of hands, in the use of the form of words, and in the delivery of the Bible; i. e. in the consecration itself (see below p. 145). The position occupied by Barlow therefore does *not* answer to that of "the consecrating Bishop" (as it is termed), who was usually either the metropolitan or one commissioned by him; for the latter (according to the canon of the fourth Council of Carthage, quoted above, p. 126. note o, and according to our own Ordinal, both King Edward's and the present form) pronounces the words of consecration alone, the "assistent" Bishops joining in the imposition of hands (in the words, however, also, according to the Roman Ordinal, although in a lower tone), whereas here, in consecrating the metropolitan himself, all joined throughout, and equally. It follows then, upon every theory, that the absence of Barlow's consecration, if it were so, would not invalidate that of Parker. See Mason, bk. ii. c. 17. § 9. bk. iii. c. 10. § 9; below p. 145. note c; and the record at the end of this Discourse, p. 204. note o.]

low's lifetime[z], and then they might have had the testimony of his consecraters, under an Archiepiscopal or Episcopal seal, for their satisfaction. The testimony of the Archiepiscopal register is a full proof of consecration affirmatively, but it is not a full proof negatively;—such a Bishop's consecration is not recorded in this register, therefore he was not consecrated.—For, first, the negligence of an officer, or some cross accident, might hinder the recording. Secondly, fire, or thieves, or some such casualty, might destroy or purloin the record. Thirdly, though it be not recorded in this register, it may be recorded in another; the Archbishop may, and Archbishop Cranmer usually did, delegate or give commission to three other Bishops for consecration[a]. And though the work be ordinarily performed at Lambeth, because of the place, where they may have three Bishops always present without any further charge, yet they are not obliged by any law to consecrate them there. And if there be a sufficient number of Bishops near the cathedral which is to be filled, or if the person who is to be consecrated do desire it, they may be consecrated either in that, or any of their own churches. The Bishops of the province of York, by reason of the former convenience, are usually consecrated at Lambeth; yet I have known, in my time, Bishop Sinewes of Carlisle consecrated at York upon his own desire, by the Archbishop of York, and the Bishops of Durham, Chester, and Man[b]. A man might seek long enough for his consecration in the Archbishop of Canterbury's register, and miss it, but it is to be found in

[z] [Barlow died in Aug. 1568. His consecration was first questioned by Champney in 1616. See Wood, Athen. Oxon., and Mason, bk. iii. c. 10. § 7.]

[a] [An examination of Cranmer's Register will shew, 1. that of thirty-six Bishops consecrated during his Primacy, and whose consecrations are recorded, sixteen were consecrated by commission, most of them between 1538 and 1547; 2. that these consecrations took place chiefly at Lambeth and Croydon, but several also in different Churches in London, and a few in other and distant places, e.g. Southampton, Peterborough, Hampton. And two others, Fox (Hereford, 1535) and Hilsey (Rochester, 1535), omitted in Cranmer's Register, are *recorded in the diocesan Registers* to have taken place at Winchester (see Godw., De Præsul., ed. Richardson).]

[b] [The Bishop alluded to must be Richard *Senhouse;* who was consecrated at York to the see of Carlisle, Sept. 26, 1624 (Percival, from York Register), at which time Bramhall was Sub-dean of Ripon, and (according to Bishop Vesey's account) Prebendary of York (see his Life in vol. i. pp. iv., v., and p. xvii., note d.). The consecraters of Senhouse were Tobias (Matthews), Abp. of York, Richard (Neyle), Bp. of Durham, *Thomas (Morton, then) Bp. of Coventry,* and John (Bridgeman), Bp. of Chester (Percival, from Reg.): so that Bramhall has unconsciously supplied a very fair parallel to the mistakes of Butler and Sutcliffe, mentioned above, p. 131. John Philips was Bp. of Sodor and Man in 1624.]

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the register at York. So the omission of it in that register, though it be no full proof, yet it is a probable proof, that Bishop Barlow was not consecrated there; but it is no proof at all that he was not consecrated elsewhere. And this I take to have been the case both of Bishop Barlow, and Bishop Gardiner: and although the effluxion of above a hundred years since hath rendered it more difficult to find where it was done, yet, by the help of those records which are in the Court of Faculties[c], I should not despair of finding it yet.

But there are so many evident proofs that he was consecrated, that no ingenuous person can have the face to deny it.

[1. He actually possessed four Bishoprics successively.]

1. The first reason is, his actual possession of four Bishoprics one after another, St. Asaph, St. David's, Bath and Wells, and Chichester, in the reigns of three princes[d]. They

[c] [It has been the privilege of the Chapter of Canterbury from the year 1235, that "no Bishop of that province" shall be "consecrated out of Canterbury Cathedral without licence in writing" from them; and a privilege rigidly preserved (accord. to Wharton, notes on Strype's Cranmer, vol. ii. p. 1047. ed. 1812) up to at least 1540. Unfortunately the Register containing such licences from 1531 to 1541 is lost. The Registers of St. Asaph and St. David's, so far as relates to Barlow, are also lost; and Cranmer's is therefore the only Register in which the missing record *could* appear.]

[d] [The *indisputable* facts relating to Barlow's Bishoprics are as follows; 1. That he was elected, being then Prior of Bisham, to the see of St. Asaph Jan. 16, 1535-6 (Reg. Cranm.), according to a Congé d'Eslire dated Jan. 7, 1535-6 (Rymer, tom. xiv. p. 558), upon the death of Bp. Standyshe; restored to temporalties Feb. 2 (Wood, Athen. Oxon.), and confirmed by proxy Feb. 22 or 23 (the Abp.'s commission to confirm being dated Feb. 22, and his certif. to the king of confirmation Feb. 23, date of confirm. itself omitted—Reg. Cranm.), according to Royal Assent dated Feb. 22 of the same year (Rymer, ibid. p. 559); but there is no record of his consecration. 2. That upon the death of Dr. Rawlins, Bp. of St. David's, Feb. 18, 1535-6 (Certif. super elect. Barlow, ap. Cranm. Reg.), he was (as "*Episc. Assav.*" in his own documents, as "*Episc. Assav. electus*" in those for his successor) elected to that see April 10, 1536 (Reg. Cranm.), confirmed in person at Bow Church April 21 (ibid.), according to Royal Assent dated April 20 (ibid.), and had possession of his temporalties April 26 (Writ, ap. Mason, bk. iii. c. 10. §. 4, not printed in Rymer), of the same year; but again there is no record of his consecration. 3. That Feb. 3, 1547-8, he was collated (according to 1 Edw. VI. c. 2) to the see of Bath and Wells (Writ in Rymer, tom. xv. pp. 169, 170), for which he did homage (Mason, bk. iii. c. 10. § 3). 4. That in the beginning of Qu. Mary's reign he resigned his see (probably through fear of deprivation), the spiritualties being seized by the Chapter of Canterbury between Dec. 20, 1553 and March 25, 1553-4 (Reg. Capit. Cant., ap. Wharton, Specimen, p. 135), and the Congé d'Eslire for his successor (Gilb. Bourne) issued March 13 of the same year (Rymer, tom. xv. p. 369,—in both, see vacant "per liberam et spontaneam resignationem ultimi Episcopi," and the former adding Barlow's name at length), the mandate for the consecration of his successor March 28 of the same year (Rymer, ibid. p. 376,—see vacant "per deprivationem et amotionem ultimi Episcopi)," and his writ of restit. of temp. April 20, 1554 (Rymer, ibid. p. 384,—returning to the former expression). 5. That after a confinement in the Tower, and a recantation of his opinions by the republication (in 1553, as "late Bishop of Bathe") of a "Dia-

feign some pretences why Archbishop Parker was not consecrated canonically, because there wanted a competent num-

loge" he had published in 1531 against the "Lutheran faccyons" (Title page, ed. 1531), he contrived to escape "beyonde seas in the company of the Duchesse of Suffolk and Master Bertie her husband" (Bedell, Answ. to Wadsworth, p. 149), and remained abroad until the accession of Qu. Elizabeth (see Strype, Memor., III. i. 241—243,—Tanner,—Wharton, De Episc. Assav.). 6. That upon his return to England at that period, he was translated to the see of Chichester, according to a mandate dated Dec. 18, 1559 (*not* directing consecration, as erroneously printed in the first edit. of Rymer, tom. xv. p. 550; it is corrected in the second), and Congé d'Eslire dated June 22, 1559 (Rymer, ibid. p. 532); confirmation Dec. 20, 1559 (Parker's Reg.), temporalties restored March 27, 1559-60 (Rymer, ibid. p. 576), and installation April 9, 1560 (Reg. of Dean and Chapter of Chich., ap. Courayer, ibid. § 4): and that he retained this see until his death in 1568. These facts are further proved by the evidence supplied in the following notes pp. 140—144, and below p. 226. The questions remain, 1. whether, and 2. when, he was consecrated, whether to St. Asaph or to St. David's, and 3. why his consecration to either see is not recorded in Cranmer's Register with the other documents relating to his admission into it. 1. The presumptive evidence in general for the first point is given in the text. An expression of Barlow's has been added in confirmation of it, laid to his charge in articles exhibited against him Jan. 11, 1536-7 as Bp. of St. David's (Collier, Ch. Hist., vol. ii. p. 135), viz. that "any layman" chosen by the king "to be a Bishop" should be "as good a Bishop as" himself "or the best in England;"—an absurd truism, if he were himself unconsecrated. On the other side, his own and Cranmer's undeniable contempt for ordination (see Collier, vol. ii. p. 188 and Records num. xlix.) cannot prove him a single exception to a law otherwise unbroken (see below p. 226); and one *rigidly enforced* by Cranmer himself in another case, viz. Hooper's (see his Life in Wordsw., Eccl. Biogr., vol. ii. pp. 361—369, and notes). 2. With reference to the second point, it has been observed, first, that Barlow is invariably styled "Bishop elect" in the Congé d'Eslire (May 29, 1536;—Rymer, tom. xv. p. 570), and letters patents (June 24, 1536; ibid.), and record of confirmation and consecration (latter July 2, 1536, — Reg. Cranm.), for R. Wharton, his successor in the see of St. Asaph; and, secondly, that his translation from that see to St. David's is as invariably and in all the documents just mentioned styled by the unusual term "*transmutatio*." To this is to be added, that the record of his confirmation in both the sees of St. Asaph and St. David's is closed with a certif. from the Abp. to the King of his *confirmation only* (Reg. Cranm., fol. 188. a, 211. a); the mandate also for consecration occurring in neither case, either in Rolls or Register, but merely the Royal Assent (at that time frequently a distinct document), which simply commands the Abp., "ut quod vestrum est, in hac parte exequamini" (Rym. tom. xiv. p. 559—Reg. Cranm.). Further, Barlow was in Scotland during March 1535-6, as "Will'm Barlo;" and although in London April 21, yet in Scotland again by May 13, 1536; while the facts established in notes o, p, seem to fix his consecration to June, 1536, and therefore to the see of St. David's. This is confirmed by the direct testimony of Bale (that St. David's was his "first" see); and of Barlow's own great nephew, as quoted by Courayer (Déf. de la Diss., Pr. Just. art. xvii. § 6). 3. Lastly, all positive difficulties thus removed, little stress can be laid upon the silence of the Register;—for, first, Cranmer's register is merely a collection of separate documents bound together long after their date; secondly, taking the facts above proved for granted, Barlow's consecration *ought not* to have been recorded with his confirmation; as in the *exactly* parallel case of Bonner (see below note l), whose confirmation to both his sees (of Hereford and London) is closed in the record with a similar certif. of confirmation *only* from the Abp., and whose consecration is recorded 12 folios after the latter of his confirmations; thirdly,—omitting cases where no documents at all are entered in the Register (three in number, viz. Latimer, Hilsey —see above p. 137. note a, and King—a suffragan Bp.), and one (Bell, Worcester, 1539) where the entry is broken off almost in the beginning, and in the middle of a sentence, with blank pages

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ber of Bishops, though it were most false: but what can they feign, why Bishop Barlow was not consecrated in Henry the Eighth's time? Was Henry the Eighth a baby to be jested withal? In Archbishop Parker's case, they suppose all the Bishops to have been stark mad, to cast themselves down headlong from a precipice, when they had a fair pair of stairs to descend by; but in Bishop Barlow's case they suppose all the world to have been asleep: except there had been such an universal sleep, it had been impossible for any man in those days to creep into a Bishopric in England without consecration. To say, he is actually possessed of a Bishopric, therefore he is consecrated, is as clear a demonstration in the English law, as it is in nature to say, the sun shineth, therefore it is day.

[2. He was both elected and confirmed Bishop.]

2. But it may be objected, that he held all these Bishoprics as a commendatory, not in title; as an usufructuary, not as a true owner. It is impossible. Usufructuaries are not elected and confirmed, but Bishop Barlow was both elected and confirmed. The *Congé d' Eslire* to the Dean and Chapter[e], the letters patents for his confirmation[f], the commission for the restitution of his temporalties[g], do all prove that he was no usufructuary but a right owner. This is a second reason.

[3. The letters patents for his confirmation also command his consecration.]

3. Thirdly, the same letters patents that do authorize Bishop Barlow's confirmation, did likewise command the Archbishop with the assistance of other Bishops to consecrate him himself, or to give a commission to other Bishops to consecrate him; which if they did not perform within a prescribed time, or [did] perform after another manner than is prescribed by the law, it was not only a loss of their Bishopries by the law of England, but a *præmunire* or the

left to receive the remainder (the Register being thus proved imperfect in other cases than Barlow's),—there occur four cases, and no more, in Cranmer's Register, so far parallel to Barlow's that confirmation is recorded in them but not consecration; viz. Fox, Hereford, 1535; Sampson, Chichester, 1536; Skyp, Hereford, 1539; Day, Chichester, 1543: and of these Fox's and Skyp's consecrations are known to be recorded in their own registers (Richardson, notes to Godwin,—Br. Willis, Cathedr.,—Le Neve), the former taking place at Winchester, the latter at Lambeth; while Barlow's Registers, both at St. Asaph (if it ever existed) and St. David's, are lost. The translation of Barlow to Bath and Wells does not appear in Cranmer's Reg. at all. The mandate to the Archdeacon of Cant. to inthrone (by which alone at that date it *could* appear) is entered there in the parallel cases of Thirlby and Ridley in April, 1550; but this properly finds its place in the register of the particular see.]

[e] [See last note.]

[f] [See note d.]

[g] [See before, note d.]

loss of all their estates, their liberties, and a casting themselves out of the king's protection[h]. No men in their right wits would run such a hazard; or rather, evidently ruin themselves and all their hopes without any need, without any end in the whole world.

[4. He was formally acknowledged to be a Bishop.]

4. Fourthly, by the same law no man could be acknowledged a Bishop in England, but he who was consecrated legally by three Bishops with the consent of the Metropolitan; but Bishop Barlow was acknowledged to be a true Bishop[i]; the king received his homage for his Bishopric[k], the king commanded him to be restored to his temporalties, which is never done until the consecration be passed[l]. King Henry sent him into Scotland as his ambassador with the title of Bishop of St. David's[m]; and in his restitution to the temporalties of

[h] 25 Hen. VIII. c. 20. [§ 7. But see note d above.]

[i] [E. g. by Rol. Lee, Bp. of Cov. and Lichf., and R. Lewis, in Jan. 1536-7, and by Bp. Gardiner in 1547, as Bp. of St. David's, and by Goodman, Dean of Wells, in 1550 as Bp. of Bath and Wells; the former in impeaching his doctrine, the last when deprived by him, after a long and angry contest, of his Deanery (Collier, Ch. Hist. vol. ii. p. 135,—Strype, Memor. I. App. num. 77; II. i. 38, 356;—Couray., Déf. de la Diss., liv. iii. c. 7). W. Barlow Bp. of St. David's assisted also at the obsequies of Henry VIII. (Strype, Memor., II., App. A); and a presentation to the Deanery of Wells is addressed to W. Bp. of Bath and Wells in March 1550-1 (ibid. II. ii. 260). See also Mason, bk. iii. c. 10. § 2; and above p. 137, note z.]

[k] [For the see of Bath and Wells, in State Paper Office (Mason, bk. iii. c. 10. § 3). For that of Chichester, it is recited in writ of restit. of temporalties (Rym. tom. xv. p. 576). For that of St. David's, Mason (ibid.) *infers* its existence from the corresponding writ, which however does not mention it. For St. Asaph it was either not done at all; or done by proxy, as in Bonner's case (Rym. xiv. 650).]

[l] [This is not correct. Restit. of Temporalties implies *the King's good will* necessarily, and possibly *election*, but confirmation and consecration only ordinarily—because they would have followed if nothing hindered. Bonner's is a case in point (and there are several others); confirmed in see of Hereford Dec. 17, 1538 (Reg. Cranm.), restored to temporalties March 4, 1538-9 (Rymer, tom. xiv. pp. 601, 602), but never consecrated at all to that see, being absent at the time as ambassador in France (Wharton, De Episc. Lond.); elected to London Oct. 20, 1539 (Reg. Cranm.), being still in France, confirmed Nov. 11, (ibid.), restored to temporalties Nov. 18, 1539 (Rymer, tom. xiv. p. 650), and consecrated only on April 4, 1540 (Reg. Cranm.). Barlow's case (so far as it goes) is *exactly* parallel, as is shewn in the next two notes, and note d above.]

[m] [Buchan., Rer. Scot. Hist., lib. xiv. pp. 148, 149. ed. 1583.—Ld. Herbert, Hist. of Hen. VIII., p. 395; the latter calling him "elect of St. Asaph." Barlow was sent ambassador into Scotland Nov. (Buchan. ibid.) 1534, with Thos. Holcroft, his credentials dated Oct. 3. styling him "Mr. Barlowe Clerke Priour of the Monastery of Bisham;" and is mentioned in letters from or about him (under the same designation), as remaining there until Feb. 10 (1534-5): —State Papers relat. to the time of Hen. VIII., Pt. iv. numm. 268, 271, 272, 273, 277. He was again in Scotland with Ld. Wm. Howard early in March 1535-6 (Letter from him, assigned to that date by internal evidence, subscribed "Will'm Barlo," but described as from "the Bp. of St. Asaph,"—same State Papers, ibid. num. 288; Planta's Catal. of Cotton MSS., Calig. B. iii. 194), was away from Scotland April 14 and 25 (same State Papers, num. 291—he was in London, see note d above), and in Scotland again from

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that see, the king related, that "the Archbishop had made him Bishop and Pastor of the Church of St. David's[n]." This could not be, if he had not been consecrated.

[5. He sat in Parliament as a Bishop.]

5. Fifthly, he was admitted to sit in Parliament as a consecrated Bishop: for no man can sit there as a Bishop 476
before he be consecrated. It is plain by the records of the House of the Lords, that he did sit in Parliament many times in the 31st of Henry the Eighth in his Episcopal habit, as a consecrated Bishop[o]; and being neither a Bishop of one of the five principal sees, nor a privy councillor, he must sit and did sit according to the time of his consecration, between the Bishops of Chichester and St. Asaph[p]. What a

May 13 to 25, 1536 (Ibid. numm. 295, 296, 299, 300); signing himself "Will'mus Menev.," and being called (once by King James V., May 20, the "Bischop of Sanct Aseph;"—otherwise) Bp. of St. David's, on and after April 25, but not before. Letters from him under the latter signature are also preserved (in the Cotton MSS., Cleop. E. iv. 117, 260, 262), dated St. David's, Aug. 16, 1537, Carmarthen March 31 and Lantsey Aug. 16 (no year).]

[n] [Writ in Mason, bk. iii. c. 10. § 4. But this argument does not hold;—see below p. 155, note a.]

[o] [Barlow was summoned to Parliament by writ of summons April 27, 1536 (28 Hen. VIII;—Rymer, tom. xiv. p. 564), was installed in his place in the House of Lords June 30, 1536 (Lords' Journals), and was present, as Bishop of St. David's and Bath and Wells successively (see next note), in every Parliament (that in the 31 Hen. VIII. among the rest) with hardly a day's interval until the accession of Qu. Mary (Lords' Journ.). In the writ of summons above mentioned, and in another also printed in Rymer (ibid. p. 737) for a later Parliament, dated Nov. 3, 1541 (neither of them exactly preserving the order of precedence), he is wrongly described as T. Menev. (the writ itself not being given, but merely the endorsement on that to the Abp. of Canterbury, that a similar writ had been sent to the Bp. of St. David's). The mistake is in the Rolls. In the Journals he is correctly described, upon his installation and on another occasion (in 1545) when he was proxy for the Bp. of Chester (the only two occasions on which his Christian name would appear), as "W." and "Will. Meneven." He was present also in the Convocations of 1536, 1537, 1540, as Bishop of St. David's ("Willielmus Meneven.)" and in the order of precedence marked in next note (Artic. about Relig. &c., in Collier, Ch. Hist., vol. ii. p. 127, and signatures at the end of the Preface to the Instit. of a Christian Man, both in Wilk., Concil., tom. iii. pp. 822, 831;—Process. Null. Matrimon. inter H. VIII. et Annam Cliv., orig., with all the signatures, in State Paper Office); and in the Convocation of 1552 as Bp. of Bath and Wells (Lamb, Hist. Acc. of 39 Art., pp. 1, 2;—Whart., Spec., pp. 111, 112;—Collier, Rec. vol. ii. num. lxi), being one of the commission to draw up the Articles and canons; and set his name as Bp. of St. David's to the declaration concerning General Councils made in the Synod of 1536 (MS. in C. C. C. Library, in Wilk., Concil., tom. iii. p. 809).]

[p] [The order of precedence given in the Lords' Journals with respect to Barlow, the two Bishops before and the two after him, which tallies exactly with the Register, is as follows;—R. (Sampson, Bp. of) Chichester (consecrat. not recorded, confirm. June 10, 1536—Reg. Cranm.), W. (Reppis, Bp. of) Norwich (consecrat. June 11, 1536,—Reg. Cranm., overlooked by Percival), W. (Barlow, Bp. of) St. David's, R. (Wharton, Bp. of) St. Asaph (consecrat. July 2, 1536, —Reg. Cranm.), R. (Holgate, Bp. of) Llandaff (consecrat. March 25, 1536-7, —Reg. Cranm.). This order is preserved unchanged (excepting that Capon Bp. of Sarum,—consecrated to Bangor before all five, viz. April 19, 1534, but translated to Sarum after them, viz. about July 1539,—is sometimes placed before, sometimes after, sometimes among, them; but this is a *single* instance of irregularity) from June 30, 1536 to Dec. 24,

strange boldness is it to question his consecration now, whom the whole Parliament, and his consecraters among the rest, did admit without scruple then as a consecrated Bishop.

[6. He joined in ordaining others.]

6. Sixthly, there is no act more proper or essential to a Bishop than ordination. "What doth a Bishop that a priest doth not" (saith St. Hierome) "except ordination[q]?" But it is evident by the records of his own see, that Bishop Barlow did ordain priests and deacons from time to time[r], and by the Archbishop's register that he joined in Episcopal ordination, and was one of those three Bishops who imposed hands upon Bishop Buckley, Feb. 19, 1541[s].

[7. His acts as a Bishop were legally valid.]

7. Seventhly, there is nothing that trieth a Bishop's title to his church more than the validity and invalidity of his leases. If Bishop Barlow had been unconsecrated, all the leases which he made in the see of St. David's, and Bath and Wells, had been void; and it had been the easiest thing in the whole world for his successor in those days to prove whether he was consecrated or not; but they never questioned his leases, because they could not question his consecration[t].

[8. As were also his acts concerning estates belonging to his sees.]

8. Lastly, an unconsecrated person hath neither antecessors nor successors; he succeedeth no man, no man succeedeth him. If a grant of any hereditaments be made to him and his successors, it is absolutely void; not worth a deaf nut; if he alien any lands belonging to his see from him and his successors, it is absolutely void: but Bishop Barlow received the Priory of Brecknock from the Crown, to him and his suc-

1547, on which day for the first time for "Episc. Meneven." appears in the same order "Episc. Bathe," and so continues until the end of Edward's reign. Barlow was not collated to Bath until Feb. 3, 1547-8, but his predecessor Knight died Sept. 29, 1547 (Godwin). These facts (which Mason, bk. iii. c. 10. § 6, and in part Bramhall, from him, have wrongly stated) indicate, 1. that Barlow was consecrated (not to St. Asaph, but) to St. David's, for precedence follows *almost* invariably the order (not of translation but) of consecration, 2. that his consecration to that see took place, either June 11, or between that day and (his installation on) June 30, 1536.]

[q] [Epist. ci., Ad Evangel.; Op. tom. iv. P. 2. p. 803.]

[r] [Reg. Barlow, Chichester, Extracts in Couray., Déf. de la Diss., Pr. Just. art. xvii. § 5.]

[s] [Arthur Bulkeley, to the see of Bangor, by commission from Cranmer, by John (Capon, Bp. of) Sarum, assisted by Will. Menev. (i. e. Barlow), and John (Wakeman, Bp. of) Gloucester (Reg. Cranm.). Barlow, it is true, being an *assistent* Bishop only; but although it is enough for the *validity of the consecration*, that the *consecrating* Bishop should be truly a Bishop: it was not customary, nevertheless, for those who were not Bishops to be chosen as assistants.]

[t] [Two leases of Barlow's as Bp. of St. David's *were* questioned, by his successor, Farrer; but one as being signed by him at Wells, after he was "clearly discharged of the see of St. David's," the other as being forged; and on *no other grounds* (See Bp. Farrer's "account of his adversaries," in Strype, Memor. III. App. num. 46).]

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cessors Bishops of St. David's[u], and in King Edward's reign, being Bishop of Bath and Wells, he alienated from him and his successors to the Crown much land, and received back again from the Crown to him and his successors equivalent lands[x]. If he had been unconsecrated, all these acts had been utterly void. In sum, whosoever dreameth now, that all the world were in a dead sleep then, for twenty years together, whilst all these things were acting, is much more asleep himself.

[9. Testimony of records.]

9. To these undeniable proofs I might add as many more out of the records of the Chancery, if there needed any to prove him a consecrated Bishop. As,—A grant to the said William Barlow Bishop of St. David's, to hold *in commendam* with the said Bishopric the rectory of Carew in the county of Pembroke, dated Octob. the 29th, anno 38 Henry VIII.[y]—A commission for translation of William Barlow Bishop of St. David's to the Bishopric of Bath and Wells; dated 3rd Feb., 2 Edv. VI.[z]—A commission for the consecration of Robert Farrer to be Bishop of St. David's, "*per translationem Willielmi*" Barlow &c. dated 3rd Jul. anno 2 Edv. VI.[a]—A commission for the restitution of the temporalties of the said Bishopric to the said Robert Farrer, as being void "*per translationem Willielmi*" Barlow; dated 1. Augusti anno 2 Edv. VI.[a]"—In all which records, and many more, he is always named as a true consecrated Bishop.

[10. Testimony of Bishop Godwin.]

10. And, lastly, in Bishop Godwin's book *De Præsulibus Angliæ*, p. 663. of the Latin edition printed at London anno 1616, in his catalogue of the Bishops of St. Asaph, num. 37, he hath these words, "*Gulielmus Barlow Canonicorum Regularium apud Bisham Prior consecratus est Feb.* 22. *anno* 1535; *Aprili deinde sequente Meneviam translatus est*"—"William

[u] [Jan. 19, 1541-2. (Mason, bk. iii. c. 10. § 5.—not in Rymer).]

[x] [May 21, 1548 (Rymer, tom. xv. pp. 171, 172.—Mason. ibid.); July 12, 1548 (Reg. Capit. Bath., ap. Couray., Déf. de la Diss., liv. iii. c. 7); Nov. 1550, Aug. 1. and Sept. 1552 (Strype, Memor., II. ii. 257. 271, 272;—Collier, Ch. Hist., vol. ii. Rec. num. lxvii.). Exchange of manors for impropriate tithes, between Barlow as Bishop of Chichester and Qu. Elizabeth, July 12, 1561 (Cartæ Antiq. et Miscell., vol. 13. P. i. num. 23, in Lambeth Library).]

[y] [Not printed in Rymer.]

[z] [See above p. 138. note d. Styled "Will. Menev. Episc." throughout.]

[a] [Collation of R. Farrer to see of St. David's, including Restitution of Temporalties (1 Edw. VI. c. 2), July 31, 1548 (Rymer, tom. xv. p. 173;—July 3 in the text above is obviously an accidental error); Significavit directing consecration, Aug. 1, 1548 (Ibid. p. 174). "Will. Menev. Episc.," in both documents. "Consecr. R. Farrer ad E'patum Meneven., dudum p'. translat. . . Will'mi Barloo ab eccl'iâ Menev. ad eccl'iam Wellen. vacantem;"—Sept. 9, 1548 (Reg. Cranm., fol. 327. b.).]

Barlow, Prior of the Canons Regulars at Bisham, was consecrated the two and twentieth day of February in the year 1535[b], and in April following was translated to St. David's." Which confirmeth me in my former conjecture, that he was consecrated in Wales, which Bishop Godwin, by reason of his vicinity, had much more reason to know exactly than we have.

They say, Mr. Mason "acknowledgeth that Mr. Barlow was the man who consecrated Parker, because Hodgkins the suffragan of Bedford was only an assistent in that action: and the assistents in the Protestant Church do not consecrate."

[Objections of the Fathers concerning Bishop Barlow.]

By the Fathers' leave, this is altogether untrue. Neither was Bishop Barlow the only man who consecrated Archbishop Parker; neither was Bishop Hodgkins a mere as-
477 sistent in that action; thirdly, whosoever do impose hands are joint consecraters, with us as well as them; lastly, Mr. Mason saith no such thing as they affirm, but directly the contrary,—that all the four Bishops were equally consecraters, all imposed hands, all joined in the words,—and this he proveth out of the Register itself[c].

They object, "He might as well be proved to have been a lawful husband, because he had a woman and divers children, as to have been a consecrated Bishop because he ordained, and discharged all acts belonging to the order of a Bishop."

What was Bishop Barlow's "woman" pertinent to his cause? Are not governantes, and devotesses, besides ordinary maidservants, "women"? All which pastors, not only of their own communion but of their own Society, are permitted to have in their houses. Let themselves be judges, whether a woman a wife, or a woman a governante or a devotess, be more properly to be ranged under the name or notion of "*συνεισακτῶν*,"—such women as were prohibited to

[b] [An absolute mistake;—Feb. 22, 1535-6 being the date of the mandate to consecrate, and falling on a Tuesday; see above p. 138. note d. Strype (Cranm. i. 9) has corrected himself in a similar error (Preface, Annals, vol. iii).]

[c] Mason, bk. iii. c. 9. § 8; bk. iii. c. 10. § 9. [See above p. 136. note y. According to Martene, De Antiq. Eccl. Rit., lib. I. Pt. iii. c. viii. art. 10. § 16, "*Omnes qui adsunt* Episcopi" (i. e. as well the "assistentes" as the "consecrator"), "non tantum testes *sed etiam cooperatores* esse citra omnem dubitationis aleam asserendum est."]

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cohabit with clerks by the Council of Nice[d]. But to leave the hypothesis and come to the thesis, as being more pertinent to the present case. If a man have cohabited long with a woman as man and wife in the general estimation of the world, and begot children upon her, and dies as her husband without any doubt or dispute during his life and long after, though all the witnesses of their marriage were dead, and the register lost, this their conjugal cohabitation, and the common reputation of the world during his life uncontroverted, is in law a sufficient proof of the marriage; but all the world, '*nemine contradicente*,' esteemed Bishop Barlow as the undoubted Bishop and Spouse of his Church.

They add, "Ridley, Hooper, Farrer, were acknowledged and obeyed as Bishops in King Edward's time, yet were judged by both the spiritual and temporal court not to have been consecrated[e]."

They mistake; they were not "judged not to have been consecrated" (for their consecrations are upon record), but not to have been consecrated '*ritu Romano*'—'after the Roman form.' And who gave this judgment? Their open enemies; who made no scruple to take away their lives; whose unjust judgment we do not value a rush: but Paul the Fourth and Cardinal Pole, more authentic judges of their own party, gave a later judgment to the contrary[f].

They ask, "how it is possible that Barlow's consecration should not be found recorded (if ever it was), as well as his preferment to the Priory of Bisham, and election and confirmation to the Bishopric of St. Asaph."

I answer, it is very easy to conceive. I have shewed him sundry ways how it might be, and one probable way how it was. I desire the reader to observe the extreme partiality of these Fathers; they make it impossible for the acts of one consecration to be lost or stolen, and yet accuse us of forging fifteen consecrations. It is easier to steal fifteen than to forge one act.

We have often asked a reason of them, why the Protestants should decline their own consecrations. They give us one;—"The truth is, that Barlow as most of the clergy

[d] [Concil. Nicæn. (A. D. 325), can. iii., ap. Labb., Concil., tom. ii. p. 29.]

[e] [See above pp. 56. 58. 115. notes y, d. g.]

[f] [See above pp. 60—63.]

in England in those times were Puritans, and inclined to Zuinglianism, therefore they contemned and rejected consecration as a rag of Rome, and were contented with the extraordinary calling of God and the Spirit, as all other Churches are, who pretend reformation." Discourse V.

It is well they premised "the truth is," otherwise there had not been one word of truth in what they say. First, how do they know this? It must be either by relation,—but I am confident they can name no author for it,—or by revelation,—but that they may not do;—or it is (to speak sparingly) their own imagination. It is a great boldness, to take the liberty to cast aspersions upon the clergy of a whole nation. Secondly, how cometh Bishop Barlow to be taxed of "Puritanism?" We meet him a Prior and a Bishop; we find him in his robes, in his rochet, in his cope, officiating, ordaining, confirming[g]. He who made no scruple to ordain and consecrate others gratis, certainly did not forbear his own consecration with the apparent hazard of the loss of his Bishopric, out of scruple of conscience. Thirdly, this aspersion is not well accommodated to the times. For, first, Zuinglianism was but short heeled in those days, when Bishop Barlow was consecrated; who sat in Parliament as a consecrated Bishop 31 Henry VIII., and the first sermon that ever Zuinglius preached as a probationer, was in Zurich in the year 1519, that was, in the 10th or 11th year of Henry the Eighth[h]. If there were any one Zuinglian in those days, upon their grounds, it is most likely to have been Bishop Gardiner; for his consecration doth not appear more than Bishop Barlow's. But there is yet a greater mistake in it; it is the Anabaptists who "reject ordination, and content themselves with the extraordinary calling of the Spirit;" not the Zuinglians. In the writings of Zuinglius, we find a letter of him and ten other of the principal Helvetian theologians to the Bishop of Constance, beseeching him, in all humility and observance, "to favour and help forward their beginnings, as an excellent work, and worthy of a

[April 1539—April 1540.]

[April 1518—April 1520.]

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[g] [See e. g. p. 143. notes r, s; and below pp. 203—205.]

[h] [1510 in the former editions of this Discourse is an obvious misprint, corrected by the other clause of the sentence. Zuingle first "began to preach the Gospel" in 1516 at Glaris, removed to Einsiedlen in the autumn of the same year, and to Zurich in Dec. 1518 (Bayle).]

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Bishop[i].” They implore his “clemency, wisdom, learning,” that he would be ‘the first fruits of the German Bishops[j].’ They beseech him “by the common Christ, . . by that fatherly affection which he owes unto them, . . to look graciously upon them,” &c.[k] They court him “to shew himself a father, and grant the request of his obedient sons[l].” Zuinglius and the Zuinglians liked Bishops well enough, if he could have had them. But the Bishop of Constance of another communion was their Bishop.

[Of John Stow's testimony.]

Here, meander-like, they make a winding from St. Asaph back again to Cheapside, from Bishop Barlow's consecration to Archbishop Parker's. They say, that “if there had been any other consecration of Archbishop Parker than that of the Nag's Head, John Stow would not conceal it in his Annals,” who is so diligent in “setting down all that passed in and about London, and professeth personal respect to him, he having related the consecration of Cardinal Pole with so many particulars.” They add out of Doctor Champney, that “John Stow acknowledged to many persons, that the story of the Nag's Head was true[m].”

Their store is very low, when they are forced to produce John Stow, who scarce knew what a consecration was. But what saith he in his Chronicles? Not a word, either of the feigned consecration at the Nag's Head, or of the true consecration at Lambeth. But he “told it to many persons by word of mouth, that the story of the Nag's Head was very true[m].” If he did, he lied notoriously to many persons; but we acquit him of that calumny; let it rest upon them, who think it a meritorious act to advance religion by any means, true or false; we are too well acquainted with their hearsay reports. They who dare wrest his printed works, ought not to be trusted what he spake by word of mouth, to somebody whom nobody knows. Their author saith, “to some persons;” they say, “to many persons;” thus this snow-ball increaseth. John Stow is now dead, and dead men do not bite. Yet let us know to whom he said it. Doctor Champney[m] tells us, “they

[i] [Supplic. Quorundam apud Helvetios Evangelistarum ad R. D. Hugonem Episcopum Constantiensem, ne se induci patiatur, ut quicquam in præjudicium Evangelii promulget, &c., dated July 2, 1522. fol. 121, a. Op. tom. i. Tigur. 1581.]

[j] [Ibid., fol. 121. b, 122. a.]

[k] [Ibid., fol. 123, a.]

[l] [Ibid., fol. 123, a. b.]

[m] [From Champney, p. 501. Latin edition. And see above p. 117. note l.]

are timorous, and would not be named." Good reason, for they have no names. So John Stow is a silent witness, and they are nameless witnesses.

So much for the man; now for the thing, I give three answers;—

First, if John Stow were a lover of the truth, he should rather have set down the Nag's Head ordination (if there was any such thing) than the Lambeth ordination. Men would suppose the Lambeth ordination of themselves. 'Where nothing is said to the contrary, it is presumed for the law.' But the Nag's Head consecration had been such a consecration as never was before, never will follow after.

Secondly, their authors wrest John Stow abominably. He was no professed writer of ecclesiastical annals. It is true, he mentioneth the consecration of Cardinal Pole; whether it was his respect to his eminence, as being a near kinsman to the Queen, a Cardinal, the Pope's legate, and his grand minister for the reconciliation of England, or because a toy took him in the head; but not with so many particulars as the Fathers intimate: all he saith is this, "The twenty-first of March Dr. Cranmer Archbishop of Canterbury was burnt at Oxford, the same day Cardinal Pole sang his first Mass at Greenwich in the Fryar's Church, on Sunday next he was consecrated Archbishop of Canterbury" (here was speedy work), "and the twenty-fifth of March received the pall with the usual ceremonies at Bow's Church in Cheap[n]." Here is another Nag's Head meeting; where he was consecrated, by whom, after what form, he leaveth the reader to presume. But of all the other consecrations performed in Queen Mary's time, this diligent author mentioneth not so much as one; of all the consecrations in Queen Elizabeth's time, I think not one; of all the consecrations in England since the Conquest, not one; or so rarely, that they are not to be taken notice of. If the argument of these Fathers were of any value,—John
479 Stow mentioneth not his consecration at Lambeth, therefore

[March 22, 1555-6.]

[n] [Stow, Annals, p. 628. ed. 1615; fol. 386. a, b. ed. 1574. This book, a very small octavo in the first instance, was published repeatedly, and each time with the addition here and there irregularly of new matter, between (the first edit. in) 1565 and 1631; so as to destroy all ground (little enough at best) for arguing negatively from it. In his Description of London, p. 491, first ed. in 1603, Stow speaks of Grindal's consecration to that see Dec. 21, 1559, being the correct date according to the Register, and inconsistent with the Nag's Head story.]

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he was not consecrated there,—we never had a consecration in England since the Conquest, but Cardinal Pole's; for he mentioneth none but that which I remember; I am sure, if he mention any, it is most rarely. If the Fathers' argument were good, Archbishop Parker was never elected, nor confirmed, because his election and confirmation are not recorded by John Stow: but all our records, civil as well as ecclesiastical, do testify the contrary.

Lastly, if the Fathers would lay aside their prejudice, there is enough in John Stow's Annals, to discover the falsehood of their lying fable of the Consecration at the Nag's Head. By their account, the Nag's Head Consecration was September 7, anno 1559[o]: but after this, in relating the solemn obsequies kept in St. Paul's Church for the French king, John Stow calleth him "Dr. Parker Archbishop of Canterbury elect[p];" therefore the Nag's Head Consecration is a lying fable; if he was still "elect," he was not then consecrated. But afterward, speaking of his death, May 17, 1575, which is the next time I find him mentioned, he styleth him the "Right Reverend Father in God, Matthew Parker, Doctor of Divinity, Archbishop of Canterbury[q]." Here is no more the word "elect," for after confirmation and consecration the word "elect" ceaseth; here he is complete "Archbishop of Canterbury."

[Sept. 8, 9, 1559.]

They say, "They who make no conscience to falsify Scripture, will forge records;" and "how notoriously the English clergy have falsified Scripture, is demonstrated by Gregory Martin."

[Of the Fathers' method of arguing from the authority of their own writers.]

I hope none of *us* did ever attempt to purge St. Paul's Epistles, because there were in them "*quædam malè sonantia*" —"some things that sounded not well," in the point of Justification. We desire good words, until they be able to prove their allegation. Rather than be accounted falsifiers of

[2 Peter iii. 16.]

[o] [See above p. 44.]

[p] [Annals, p. 639. ed. 1615. So also the orig. record of "The Obsequye of . . Henry the ijde," &c. &c., in the College of Arms, printed in the Report of the Record Commission, pp. 482—486. fol. 1833. "Elect," *legally*, sometimes means merely not inthroned; commonly, and in ordinary language always, not consecrated to a first see, not confirmed to a second. It is applied accordingly, by both Stow in this passage and the record just mentioned, to Parker in the one, to Barlow and Scory in the other, of the latter senses: Barlow also being called in Stow by mistake or misprint Bp. of *Chester*. His and Scory's sees are blank in the record.]

[q] [Ibid. p. 679.]

Scripture, we are contented to stand to the Vulgar Latin, in any controversy between them and us. But who is the man doth accuse us of so many falsifications? One Gregory Martin, one of their fellows[r], whose censure we do not weigh a button. This is a new inartificial kind of arguing, from the authority of their own writers.

But they use it much. So it followeth in the next words, —"It is want of charity to think, that Stapleton, Harding, Bristow, and the rest of the English Catholic doctors, who did forsake all at home for conscience' sake, would publish to the world in print the nullity of Parker's ordination, thereby engaging posterity to commit so many damnable sacrileges, in re-ordaining those who had been validly ordained already, without due examination of the matter."

This plea is much like that of the old Roman, that his adversary did not receive the wound with his whole body, that he might have killed him fairly. They would have us rather put up the loss of our holy orders, than the skill of their doctors should be questioned. If re-ordination be damnable sacrilege, the authority of your own doctors may be a fit medium to convince yourselves of sacrilege, not us of the invalidity of our ordination. I hope Stephen the Sixth, and Sergius the Third, two Popes, were other manner of men than your English doctors, and did both pretend to examine the matter as duly, and to be as averse from damnable sacrilege as you; yet they decreed publicly, and most unjustly (as you yourselves do now confess), that all the holy orders received from Formosus were "void," and "compelled all those who had been ordained by him, to be reordained[s]."

[The Earl of Nottingham's testimony.]

Mr. Mason cited the testimony of a witness beyond all exception, Charles Howard, Earl of Nottingham, Lord High Admiral of England, who acknowledged Archbishop Parker to be his kinsman, and that he was an invited guest at his consecration at Lambeth[t]. To this the Fathers reply, "If

[r] [A Discoverie of the Manifold Corruptions of the Holy Scriptures by the Heretikes of our daies, specially the English Sectaries, and of their foule dealing herein, by partial and false translations to the advantage of their heresies, in their English Bibles used and authorised since the time of Schisme: by Gregory Martin, one of the Readers in Divinitie in the English College of Rhemes, publ. in 1582; answered by Fulke.]

[s] Bellarm., De Roman. Pontif., lib. iv. c. 12. [Op. tom. i. p. 1000. B.]

[t] [Mason, bk. iii. c. 7. § 5. Charles Howard, Baron Effingham, born in 1536, died Dec. 14, 1624, commanded the English fleet as Lord High Admiral at

PART I. this were true, it proves only that there was a good dinner at Lambeth, which might well be, to conceal the shameful consecration at the Nag's Head."

It proves there was a good consecration, as well as a good dinner; the words are, "to honour his consecration and the solemnity thereof with his presence." It had been something uncivil, to encumber the tavern with a consecration, and not stay dinner there. The Earl was invited to the consecration at Lambeth, therefore it was at Lambeth; the Earl was not at the Nag's Head; Mr. Neale himself, who see more than ever was acted, or so much as thought of, did not see that. Is it the custom, when one is invited to a con- 180
secration, to come after it is done to dinner; or to invite a nobleman to a consecration in one place, and then be consecrated in another? This had been so far from concealing the shamefulness of such a brainsick consecration, that it had been a ready means to divulge it to all the world.

They add, "Besides, we must take the Earl's friend's word for the Earl's testimony, and Mr. Mason's word for his nameless friend."

That is none of Mr. Mason's fault, but Mr. Holywood's, Mr. Constable's, Mr. Sacrobosco's, Dr. Champney's, Mr. Fitzherbert's, Mr. Fitzsimon's, who first broached this odious fable. Mr. Mason published this relation to the world in print, while the Earl was yet living, on purpose that they might inquire and satisfy themselves; if they did not, they can blame nobody but themselves; if they did by themselves or their friends (as it is most likely they did), it is evident the answer did not content them, and so we never heard more of them since. It had been the greatest folly in the world, to allege the testimony of such a nobleman in his lifetime, contrary to his own knowledge, which might have been disproved from his own authority, and so have easily laid Mr. Mason flat upon his back. You may remember your own case with the Bishop of Durham. But it was too true to be contradicted then, and too late to be contradicted now.

[Mr. Neale the only witness] They say, "they bring more than one witness of the Nag's Head consecration." Pardon me, you never produced one

the discomfiture of the Spanish Armada, accompanied the Earl of Essex in the Cadiz expedition, and was created in consequence Earl of Nottingham in 1597. See the Biogr. Brit.]

yet, and (which is less than producing) you never so much as named a witness, whilst he himself was living[u]. In or about the year 1603 you first named Mr. Neale, and innocent John Stow, when they were both dead; you might as well have named the man in the moon, as John Stow. Only I confess you named the Bishop of Durham in his life-time, and you see what is the issue of it; and if you had named the others in their life-times, you must have expected a like issue; either the perpetual infamy of your witness, or the utter confusion of your cause.

You speak much of "the learning, and virtue, and judgment" of your hearsay witnesses, "who knew how to distinguish between an Episcopal consecration and a banquet."

I hope you do not mean, that the Earl of Nottingham did not know how to distinguish between a banquet and a consecration; if he did not, the High Admiralship of England was ill committed to him; or that he had not as much regard to his honour and conscience, as any of your priests. We meddle not with their "learning and virtue;" but we are no more obliged to take their testimonies upon hearsay, than they would take our testimonies. They have given an account to God, and know before this time whether they have done well or ill.

They proceed, "The priests and Jesuits, to whom the records were shewed in King James his time, protested against them as forged and improbable[x], as appeareth by the testimony of men yet living, whose honesty cannot be called in question; Father Faircloth, one of the imprisoned Jesuits, testified so much to many by word of mouth and in writing."

Where is the writing? Where is the protestation? Why are they not produced? Still here are no proofs but upon hearsay. One eye-witness is worth a hundred such, who can swear to no more but that they heard it, and God knows through how many hucksters' hands. I hope the Bishop of Durham's case will make them more wary for the future.

But they are angry with "some Protestants, who endeavour to make this well-grounded story a mere fable, and thereby call many persons of much more learning, virtue, and prudence than themselves, fools or knaves."

[u] [See above p. 117. note l.]

[x] [See above p. 101. notes z, a.]

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We are plain Macedonians, who call a fable a fable[y], without either welt or guard; yea, so notorious a fable, that (but that you tell us the contrary) we could not believe that any one of you did ever give any credit to it yourselves; any more than the Athenians did believe those monstrous fables of bulls and minotaurs, which themselves had raised, because some of their eminent citizens had devised it or related it; but we call no men "fools or knaves," that language is too unmannerly for civil writers. What new topic is this? Because we cannot believe a man's relation or his judgment, do we straightway "call him fool or knave?" Excuse me; there are credulity, and prejudice, and mistakes, and pious frauds in the world, and none of these will willingly wear the livery of "knaves or fools." We are not of the same mind with Pope Stephen and Pope Sergius, for the re-ordaining of those who had been ordained by Formosus; yet we do not call them "knaves or fools." We cannot believe what you yourselves 481
have related of my Lord of Durham, yet we are not guilty of such extravagant expressions.

CHAP. X.

THE FATHERS INSIST TOO MUCH UPON THE AUTHORITY OF THEIR OWN PARTY—WHY CONSECRATION IS NOT MENTIONED AT RESTITUTION—THE EXACTNESS OF OUR RECORDS JUSTIFIED.

[The Fathers insist too much upon the authority of their own party.]

It seemeth to me, that the Fathers insist too much upon the honesty, and virtue, and learning of their own party. In dispute with an adversary, virtue is like fire, which preserveth itself by being covered with ashes: but spread abroad by ostentation, it is quickly extinguished. Especially comparisons are odious, and beget altercation. We say, there is not a hill so high in Lincolnshire, but there is another within a mile as high as it. Take you the reputation of learning and prudence, so you leave us the better cause; and we shall be able to defend it well enough against you. But the main defect in this part of your discourse is this:—the Bishop of Chalcedon confesseth of Mr. Oldcorn, one of your order, that he acknowledged these records to be authentic; and the rest

[y] [Plut., De Apophth. Reg., in Philip. num. 15. Op. Moral. tom. i. p. 196. ed. Wyttenb.]

of the imprisoned priests, who viewed the records, are charged publicly in print to have done the same, by Bishop Godwin, by Mr. Mason. Every thing ought to be unloosed the same way it is bound. They were all scholars and could write. If this charge were not true, they ought to have published a protestation to the world in print to the contrary, whilst their adversaries were living, whilst the witnesses were living: but now, after they, and their adversaries, and the witnesses, are all so long dead, to talk of a verbal protestation to some of their friends, upon hearsay, signifieth nothing[z].

[Why Bishop Barlow's consecration was not mentioned, in the restitution to him of his temporalties.]

Now we must make another winding, and return to Bishop Barlow: but I hold to the clue, in hope at length to get out of this fictitious labyrinth. "Henry the Eighth's letters patents, whereby Bishop Barlow was installed in" (they would say, *restored to*) "the temporalties of his Bishopric, make mention of his acceptation and confirmation, but none of his consecration: why should this last be omitted, if he were really consecrated?"

This objection sheweth nothing but the unskilfulness of the Fathers in our English customs and forms. Let them compare all the restitutions of their friends to their temporalties in England, as Cardinal Pole's, Bishop Gardiner's, and the rest, and they shall find the form the very same with Bishop Barlow's[a]. I hope they will not conclude thence,

[z] [See above pp. 101 and 153, notes a, x.]

[a] [This assertion requires some explanation, as the form of the Writ of Restitution had varied considerably up to the accession of Queen Elizabeth; and in such a way that the argument in the text fails. 1. Up to the renunciation of the Papal supremacy in 1534, that writ regularly recited the appointment and provision by the Pope's Bulls, the renunciation by the Bp. elect of all words in those Bulls prejudicial to the king and his crown, and the homage of the said Bishop, and thereupon directed the sheriff to restore the temporalties; a writ of this form being sent to each county wherein the temporalties of the see were. Here, it will be observed, consecration is *never* mentioned, whether it had or had not already been performed. 2. From 1534 and in consequence of the 25 Hen. VIII. c. 20, a change took place, in conformity with that statute; and the writ now recited *all* the acts required by the statute;—viz. the Congé d'Eslire, Election by Chapter, Royal Assent, *Confirmation and Consecration* by the Archbishop of the province, and homage, and thereupon directed restitution. And during this period consecration is mentioned where it had already taken place, is not mentioned only where it had not. 3. In 1547, in the reign of Edward VI., a further change took place, and the old form was revived *mutatis mutandis;* the writ now reciting only the Congé d'Eslire, the Election, the Royal Assent, and the Homage. Of this there is only one instance at this period given in Rymer, viz. that of Ridley, Sept. 27, 1547 (Rymer, tom. xv. p. 164), the Act of Edward immediately afterwards superseding all the civil writs (with the eccles. acts to which they belonged) except the mandate for consecration, and substituting for them collation by letters patents. The practice returned, however, to the same form on the accession of Qu.

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that none of them were consecrated. The reason of the form is very prudent. In a restitution to temporalties, they take no notice of any acts that are purely spiritual, as consecration is; but only of such acts as are temporal, as acceptation and confirmation.

But "if he was restored to his temporalties not being consecrated, he might also sit in Parliament without consecration."

The assumption is understood, 'But Bishop Barlow was restored to his temporalties without consecration;' which is most false. From the conversion of the nation until this day, they are not able to produce one instance of one Bishop, who was duly elected, duly confirmed, and duly restored to his temporalties by the king's mandate[b], without consecration, or did sit in Parliament without consecration. He must sit in Parliament in his Episcopal habit, but that cannot be before consecration. It seemeth they think, that Bishops sit in Parliament as temporal barons; but it is a great mistake. Bishops sat in the great Councils of the kingdom, before the names of Parliament or barons were heard of in England.

[Of the exactness of our records.]

They bring an argument from "the exactness of our records," and that connexion that is between records of one court and another. The first thing necessary to obtain a Bishopric in England, is the king's *Congé d'Eslire;* that appears in the Rolls. Next, the actual election; that appears in the records of the Dean and Chapter. Thirdly, the king's acceptation of the election, and his commission to the Arch-

Mary (and accordingly in Pole's case, Rym. tom. xv. p. 432, and such others as occurred—Gardiner is a mistake of Bramhall's), and so continued until the re-establishment of the Papal supremacy in 1555, when the original form used prior to 1534 was revived in every point, and employed until Qu. Mary's death; upon which last event, and the renewed abolition of the Papal supremacy, that used in the beginning of Mary's reign was again revived. There were therefore three forms; one reciting the Papal appointment of the Bishop restored and not mentioning consecration, in use up to 1534, and from 1555 to 1558; a second, reciting *all* the acts required by 25 Hen. VIII. c. 20, consecration included, in use from 1534 to 1547; and, thirdly, a form resembling the latter but omitting confirmation and consecration, in use in 1547, from 1553 to 1555, and restored by Queen Elizabeth in 1559. Barlow's writ for St. David's belongs to the second class, and therefore ought to recite his consecration if it had happened. It does not recite it, the words above quoted (p. 142) referring only to confirmation; and therefore he was probably not then consecrated (see above p. 138. note d). Further, the writ which is given in Mason as that of the restitution of Barlow's temporalties (for St. David's), is not the ordinary writ addressed to the sheriff, but corresponds in form rather to the provisional writ De Custodia Temporalium, issued (usually to the intended Bishop) during the vacancy of a see; excepting that it is an absolute and not, as this is, a merely provisional grant.]

[b] [But see above p. 141. note l.]

bishop, or four Bishops in the vacancy, to confirm the election, and consecrate the person elected and confirmed legally;
482 that appears in the letters patents enrolled. Fourthly, the confirmation of the election before the Dean of the Arches but by the Archbishop's appointment (this is performed always in Bow Church, except extraordinarily it be performed elsewhere by commission); this appears in the records of the Archbishop. Fifthly, the consecration itself by the Archbishop and other Bishops, or other Bishops without him by virtue of his commission; this appears in the Records of the protonotary of the see of Canterbury. Lastly, the restitution of the temporalties; which appears in the Rolls; and his enthronization, in the records of the Dean and Chapter[c]. Every one of these takes another by the hand; and he who will enjoy a Bishopric in England, must have them all. The Chapter cannot elect without the king's *Congé d'Eslire*. The king never grants his letters patents for confirmation and consecration, until he have a certificate of the Dean and Chapter's election. The Dean of the Arches never confirms until he have the king's commission. The Archbishop never consecrates until the election be confirmed. And, lastly, the king never receiveth homage for the Bishopric or giveth the temporalties, nor the Dean and Chapter enthrone, until after consecration. He that hath any one of these acts, must of necessity have all that go before it in this method; and he that hath the last hath them all. But this was more than Mr. Neale, or whosoever was inventer of that silly fable, did understand; otherwise he would have framed a more possible relation.

Hence they argue, the records "being so exact, how is it possible that no copies of Barlow's consecration do appear in any court or Bishopric of England."

[No record of Bishop Barlow's consecration to be expected in more than one Registry.]

They mistake the matter wholly; the consecration ought not to appear in any court but one, that is, that registry where he was consecrated; which, being not certainly known, at so great a distance of time is not so easily found, and I believe was never sought for yet further than Lambeth. But all the other acts do appear in their proper courts; the king's license, the Dean and Chapter's election, the king's

[c] [See above pp. 63—66. note k; and c. v. pp. 67, &c.]

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letters patents, the confirmation of the Dean of the Arches, which all go before consecration: and his doing homage, and the restitution of him to his temporalties, and his enthronization, all which do follow the consecration, and are infallible proofs in law of the consecration; as likewise his sitting in Parliament, his ordaining of priests, his consecrating of Bishops, his letting of leases, his receiving of hereditaments to him and his successors, his exchanging of lands; all which are as irrefragable proofs of his consecration, as any man hath to prove that such persons were his parents, either father or mother. And when the right register is sought, which must be by the help of the Court of Faculties, I doubt not but his consecration will be found in the proper place, as all the rest are.

[No record of Bishop Gardiner's consecration, any more than of Bishop Barlow's.]

Mr. Mason alleged, that Bishop Gardiner's consecration was not to be found in the register of Lambeth, any more than Bishop Barlow's: yet no man doubted of his ordination[d]. They answer, first, that Mr. Mason did not seek so solicitously or diligently "for Bishop Gardiner's consecration, as for Bishop Barlow's." Then why do not they whom it doth concern, cause more diligent search to be made? Without finding the records of Bishop Gardiner's consecration, they cannot accuse Bishop Barlow of want of consecration upon that only reason. Secondly, they answer, that if "Gardiner's consecration were as doubtful as Barlow's and Parker's, they would take the same advice they give us, to repair with speed to some other Church of undoubted clergy." Yes; where will they find a more undoubted clergy? They may go further and fare worse. Rome itself hath not more exact records, nor a more undoubted succession, than the Church of England. There is no reason in the world to doubt either of Archbishop Parker's consecration, or Bishop Gardiner's, or Bishop Barlow's. Neither doth his consecration concern us so much as the Fathers imagine; there were three consecrators (which is the canonical number) besides him[e].

[The monstrous accu-

It is high time for the Fathers to wind up, and draw to a

[d] [Mason, bk. iii. c. 10. § 7. But in Gardiner's case there are at Lambeth no documents at all, neither confirmation nor consecration; and the register is a different one (viz. Warham's), where they ought to appear; so that it is not a fair parallel to Barlow's. For cases which are parallel to his, see above p. 138. note d. in fin. and p. 141. note l.]

[e] [See above p. 136. note y.]

conclusion of this argument. That which followeth next is too high and can scarcely be tolerated;—to accuse the public records and archives of the kingdom, and to insimulate the Primates and Metropolitans of England of forgery, upon no ground but their own imagination. I doubt whether they durst offer it to a widow woman.—"As to the impossibility of forging so many registers, in case there be so many, it is
483 easily answered,—that it is no more, than that the consecraters and other persons concerned should have conspired to give in a false certificate, that the consecration was performed with all due ceremonies and rites, and thereby deceive the courts or make them dissemble."

DISCOURSE V. [insimulation of forgery brought by the Fathers.]

Should any man accuse the General of their Order, or one of their Provincials, or but the Rector of one of their Colleges, of forgery and counterfeiting the public records of the order; how would they storm, and thunder, and mingle heaven and earth together and cry out!

"No moderate or prudent persons can suspect that such persons should damn their souls, that so many pious learned divines should engage themselves and their posterity in damnable sacrileges, without fear of damnation."

If a man will not believe every ridiculous fable, which they tell by word of mouth upon hearsay, they "call persons of more virtue, learning, and prudence than themselves, fools and knaves[f];" but they may insimulate the principal Fathers of our Church of certifying most pernicious lies under their hands and seals, not for a piece of bread, which is a poor temptation, but for nothing; that is to make them "both fools and knaves." Is not this blowing hot and cold with the same breath? or to "have the faith of our Lord Jesus Christ with respect of persons?" Compare the political principles of the Church of England with your own, and try if you can find any thing so pernicious to mankind and all human society in ours more than in yours. Compare the case-theology of the Church of England with your own, and try if you can find any thing so destructive to morality, to truth, and justice, and conscience, as might lead us to perpetrate such crimes more than yourselves. We are not afraid of a parallel. You profess great endeavours to make

[James ii. 1.]

[f] [See above p. 153.]

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proselytes. We do not condemn zeal, yet wish you had more light with it. Even in prudence, which you yourselves extol, this is not your right course,—to follow those birds with noise and clamour which you desire to catch.

[The ignorant mistakes upon which it is founded.]

In sum, your answer or solution is full of ignorant mistakes. It confoundeth civil rolls and ecclesiastical registers. It supposeth that our records are but transcriptions, one out of another; whereas every court recordeth its own acts, and keeps itself within its own bounds. It taketh notice but of one consecrater, whereas we have always three at the least, many times five or six. It quite forgetteth public notaries, which must be present at every consecration with us, to draw up what is done into acts; with us every one of these notaries, when he is admitted to that charge, doth take a solemn oath upon his knees to discharge his office faithfully, that is, not to make false certificates. Secondly, it is absurd and unseasonable, to inquire how a thing came to pass that never was. You ought first to have proved, that our records were forged, and then it had been more seasonable to have inquired modestly, how it came to pass. Thirdly, it is incredible, that persons of such prudence and eminence should make false certificates under their hands and seals, to the utter ruin of themselves and all that had a hand in it, and no advantage to any person breathing. It is incredible, that those records should be counterfeited in a corner, which were avowed publicly for authentic by the whole Parliament of England in the eighth year of Queen Elizabeth; which were published to the world in print by the person most concerned, as if he dared all the world to except against them: and yet no man offered to except against them then[g]. Fourthly, it is impossible to give in a false certificate of a consecration, which was never performed in England (especially at Lambeth) before less than thousands of eye-witnesses; and that at Lambeth, in the face of the Court and Westminster-Hall. Surely they think we consecrate in closets, or holes, or hay-mows. They may even as well say, that the public acts of our Parliaments are counterfeited, and the public acts of our synods are counterfeited, and all our public monuments counterfeited. It is none of the honestest pleas, '*Negare factum*'—to deny such

[g] [See above pp. 91—97.]

public acts as these. Fifthly, this answer is pernicious to mankind. It is destructive to all societies of men, that Bishops of so great eminence should conspire with public notaries to give in false certificates, in a matter of such high consequence as holy orders are, without any temptation, without any hope of advantage to themselves or others. It affordeth a large seminary for jealousies and suspicions. It exterminateth all credit and confidence out of the world, and instructeth all men to trust nothing, but what they see with their eyes. Lastly, it is contradictory to themselves. They have told us, I know not how often, and tell us again in this paragraph, that "if the Nag's Head Consecration had been false, they might have convinced it by a thousand witnesses;" here they make it an "easy" thing, for "the consecraters and other persons concerned, to conspire together to give in a false certificate, that the consecration was performed with all due ceremonies and rites, and thereby deceive the courts, or make them dissemble." If the world will be deceived so, it is but right and reason that it be deceived. To be deceived by a false certificate, that may be "convinced by a thousand witnesses," is self-deceit.

But they say, "this is more possible and more probable, than that all the clergy should conspire not to produce the same registers, when they were so hardly pressed by their adversaries."

These are but empty pretences; there was no pressing to produce registers, nor any thing objected that did deserve the production of a register[h]. That which was objected against our orders in those days, was about the form of ordination published by Edward the Sixth, and the legality of our ordination in the time of Queen Elizabeth. The Nag's Head Consecration was never objected in those days[i]. Besides, registers are public enough themselves, and need no production. And yet our registers were produced; produced by the Parliament 8. Elizabeth, who cited them as authentic records[k]; produced and published to the world in print[l],—that was another production.

They add, "Or that so many Catholics should have been

[h] [See above p. 128. note u.]
[i] [See above pp. 124—130, and notes.]
[k] [See above pp. 94—96.]
[l] [See above pp. 96, 97.]

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so foolish to invent or maintain the story of the Nag's Head, in such a time, when if it had been false, they might have been convinced by a thousand witnesses."

Fear them not; they were wiser than to publish such a notorious fable in those days; they might perchance whisper it in corners among themselves, but the boldest of them durst not maintain it or object it in print, for fear of shame and disgrace. It was folly to give any ear to it, but it was knavery to invent it; and to do it after such a bungling manner (whosoever was the inventer), was knavery and folly complicated together.

If the Fathers write any more upon this subject, I desire them to bring us no more hearsay testimonies of their own party; whatsoever esteem they may have themselves of their judgment and prudence and impartiality. It is not the manner of polemic writers, to urge the authority of their own doctors to an adversary, or allege the modern practice of their present Church. We have our own Church, and our own doctors, as well as they. If we would pin our faith to the sleeves of their writers, and submit to their judgments, and believe all their reports, and let all things be as they would have it, we needed not to have any more controversy with them: but we might well raise a worse controversy in ourselves with our own consciences.

CHAP. XI.

OF OUR FORMS OF EPISCOPAL AND PRIESTLY ORDINATION—OF ZUINGLIANISM—OF ARCHBISHOP LAUD—OF CEREMONIES—OUR ASSURANCE OF OUR ORDERS.

[Our form of Episcopal ordination sufficient, in regard to the particular office of Bishops.]

We have done with the Nag's Head for the present: that which followeth next doth better become scholars, as having more show of truth and reality in it. They object, that "in all the Catholic Rituals, not only of the West, but of the East, there is not one form of consecrating Bishops, that hath not the word Bishops in it, or some other words expressing the particular authority and power of a Bishop distinctly: but in our consecration, there is not one word to express the difference and power of Episcopacy; for these words, 'receive

the Holy Ghost,' are indifferent to Priesthood and Episcopacy, and used in both ordinations."

I answer, that the form of Episcopal ordination, used at the same time when hands are imposed, is the same both in their form and ours; "Receive the Holy Ghost." And if these words be considered singly in a divided sense from the rest of the Office, there is nothing either in our form or theirs, which doth distinctly and reciprocally express Episcopal power and authority. But if these words be considered conjointly in a compounded sense, there is enough to express Episcopal power and authority distinctly, and as much in our form as theirs.

485 First, two Bishops present the Bishop elect to the Archbishop of the province, with these words, "Most Reverend Father in Christ, we present to you this godly and learned man to be consecrated Bishop." There is one expression.

Then the Archbishop causeth the king's letters patents to be produced and read, which require the Archbishop to consecrate him a Bishop. There is a second expression.

Thirdly, the new Bishop takes his oath of canonical obedience.—"I A. B. elected Bishop of the Church and See of C. do profess and promise all reverence and due obedience to the Archbishop and Metropolitical Church of D. and his successors. So God help me," &c. This is a third expression.

Next, the Archbishop exhorts the whole assembly to solemn prayer for this person thus elected and presented, before they "admit him to that office" (that is, the office of a Bishop), "whereunto they hope he is called by the Holy Ghost," after the example of Christ, "before He did choose His Apostles," and the Church of Antioch, "before they laid hands upon Paul and Barnabas." This is a fourth expression. [Luke vi. 12.—Acts xiii. 3.]

Then followeth the Litany, wherein there is this express petition for the person to be ordained Bishop;—"We beseech Thee to give Thy blessing and grace to this our brother elected Bishop, that he may discharge that office whereunto he is called, diligently, to the edification of Thy Church." To which all the congregation answer, "Hear us, O Lord, we beseech Thee." Here is a fifth expression.

Then followeth this prayer, wherewith the Litany is concluded.—"Almighty God, the Giver of all good things,

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Which by Thy Holy Spirit hast constituted divers orders of Ministers in Thy Church, vouchsafe we beseech Thee to look graciously upon this Thy servant, now called to the office of a Bishop." This is a sixth expression.

Next, the Archbishop telleth him he must examine him, before he admit him to that administration whereunto he is called, and maketh a solemn prayer for him;—that God, Who hath "constituted some Prophets, some Apostles," &c., "to the edification of His Church, would grant to this His servant the grace . . to use the authority committed to him to edification not destruction; . . to distribute food in due season to the family of Christ," as becometh "a faithful and prudent steward." This "authority" can be no other than Episcopal authority; nor this "stewardship" any other thing than Episcopacy. This is a seventh expression.

Then followeth imposition of hands by the Archbishop and all the Bishops present, with these words, "Receive the Holy Ghost," &c.;

And, lastly, the tradition of the Bible into his hands, exhorting him "to behave himself towards the flock of Christ as a pastor, not devouring but feeding the flock[m]."

All this implieth Episcopal authority. They may except against Christ's own form of ordaining His Apostles if they will, and against the form used by their own Church; but if they be sufficient forms, our form is sufficient[n]. This was the same form which was used in Edward the Sixth's time; and we have seen how Cardinal Pole, and Paul the Fourth, confirmed all without exception, that were ordained according to this form, so they would reunite themselves to the Roman Catholic Church.

[m] [The summary here given applies both to the Ordinals of 1549 and 1552 and to that of 1662, with two exceptions (unimportant verbal differences being left out of the question): viz. 1. in the form of words used with the imposition of hands:—that in the former Ordinals being, "Take the Holy Ghost, and remember that thou stir up the grace of God which is in thee, by imposition of hands: for God hath not given us the spirit of fear but of power and love, and of soberness;" that in the present, "Receive the Holy Ghost, for the office and work of a Bishop in the Church of God, now committed unto thee by the imposition of our hands: In the Name of the Father, and of the Son, and of the Holy Ghost. Amen. And remember," &c. as before; 2. in the tradition of the Pastoral Staff as well as the Bible, retained in the Ordinal of 1549, but omitted in that of 1552 and ever since. Bramhall has translated from the Latin Ordinal.]

[n] [See Mason, bk. ii. c. 16;—and for the Roman Pontifical, Catalani, Pontif. Roman. cum Comment., tom. i. p. 197. § xviii. numm. 3, 4; and authorities there quoted.]

[Our form of Priestly ordination sufficient, in regard to the peculiar office of the Priesthood.]

They bring the very same objection against our Priestly ordination;—"The form or words whereby men are made Priests, must express authority and power to consecrate, or make present, Christ's Body and Blood (whether with or without Transubstantiation, is not the present controversy with Protestants)." Thus far we accord, to the truth of the Presence of Christ's Body and Blood, so they leave us this latitude for the manner of His Presence. Abate us Transubstantiation, and those things which are consequents of their determination of the manner of Presence, and we have no difference with them in this particular. They who are ordained Priests, ought to have power to consecrate the Sacrament of the Body and Blood of Christ, that is, to make Them present after such manner as They were present at the first institution; whether it be done by enunciation of the words of Christ, as it is observed in the Western Church[o], or by prayer, as it is practised in the Eastern Church[p]; or whether these two be both the same thing in effect, that is, that the forms of the Sacraments be mystical prayers, and implicit invocations. Our Church for more abundant caution useth both forms, as well in the consecration of the Sacra-
486 ment, as in the ordination of Priests. In the Holy Eucharist, our consecration is a repetition of that which was done by Christ, and now done by him that consecrateth in the person of Christ; otherwise the Priest could not say, "This is My body." And likewise in Episcopal consecration, "*Homo imponit manus, Deus largitur gratiam, Sacerdos imponit supplicem dexteram, Deus benedicit potenti dexterâ*"—"Man imposeth hands, God conferreth grace, the Bishop imposeth his suppliant right hand, God blesseth with His almighty right hand[q]." In both consecrations Christ Himself is the chief consecrater still. Then if power of consecration be nothing else but power to do that which Christ did, and ordained to be done, our Priests want not power to consecrate.

They add;—"In all forms of ordaining Priests, that ever were used in the Eastern or Western Church, is expressly set down the word Priest, or some other words expressing the proper function and authority of Priesthood," &c.; "the

[o] [See Palmer, Orig. Liturg., vol. ii. c. 4. § 19. pp. 137, 138.]

[p] [Palmer, ibid. pp. 135, 136.]

[q] [Pseudo-Ambros., De Dignit. Sacerdot., c. v. Op. tom. ii. Append. p. 363. E.]

PART I. Grecians, using the word Priest or Bishop in their forms, do sufficiently express the respective power of every order; but our reformers did not put into the form of ordaining Priests any words expressing authority to make Christ's Body present."

I answer, that if by forms of ordaining Priests they understand that essential form of words, which is used at the same instant of time whilst hands are imposed, I deny that in all forms of Priestly ordination the word Priest is set down either expressly or equivalently. It is set down expressly in the Eastern Church[r], it is not set down expressly in the Western Church[s]. Both the Eastern and Western forms are lawful, but the Western cometh nearer to the institution of Christ.

But if by forms of ordaining they understand ordinals or rituals, or the entire form of ordaining, both our Church and their Church have not only equivalent expressions of Priestly power, but even the express word "Priest" itself, which is sufficient both to direct and to express the intention of the consecrator. Under that name the Archdeacon presenteth them;—"Right Reverend Father in Christ, I present unto you these persons here present, to be admitted to the order of Priesthood." Under that name the Bishop admitteth them; "Well-beloved brethren, these are they whom we purpose by the grace of God this day to admit" ("*co-optare*") "into the holy office of Priesthood." Under this name the whole assembly prayeth for them;—"Almighty God, vouchsafe, we beseech Thee, to look graciously upon these Thy servants, which this day are called to the office of Priesthood." It were to be wished, that writers of controversies would make more use of their own eyes, and trust less other men's citations.

Secondly, I answer, that it is not necessary, that the essential forms of Sacraments should be always so very express and determinate, that the words are not capable of extension to any other matter. If they be as determinate and express as the example and prescription of Christ, it is sufficient. The form of Baptism is,—"I baptize thee in the name of the Father, and of the Son, and of the Holy Ghost:"

[r] [Habert., Lib. Pontif. Eccl. Græc., p. 107. See on this subject, Mason, bk. v; Prideaux, Valid. of Engl. Orders; Couray., Diss. c. xii, and Déf. de la Diss., liv. iv. cc. 1—7.]

[s] [Pontif. Roman., tom. i. pp. 148, 149, ed. Catalani.]

not, 'I baptize thee to regeneration,' or 'for remission of sins.' There are many other kinds of baptisms or washings, besides this sacramental Baptism: yet this form is as large as the institution of Christ. And these general words are efficacious both to regeneration and remission of sins, as well as if regeneration and remission of sins had been expressly mentioned. In this form of Baptism, there is enough antecedent to direct and regulate both the actions and intentions of the minister: so there is likewise in our form of ordination.

Thirdly, I answer, that in our very essential form of Priestly ordination, Priestly power and authority is sufficiently expressed. We need not seek for a needle in a bottle of hay. The words of our ordinal are clear enough. First, "Receive the Holy Ghost[t];"—that is, the grace of the Holy Ghost[u], to exercise and discharge the office of Priesthood, to which thou hast been now presented, to which thou hast been now accepted, and for which we have prayed to God, that in it thou mayest discharge thy duty faithfully and acceptably. Secondly, in these words, "Whose sins thou dost remit they are remitted;" that is, not only by Priestly absolution, but by preaching, by baptizing, by administering the Holy Eucharist, which is a means to apply the all-sufficient Sacrifice of Christ for the remission of sins. He who authorizeth a man to accomplish a work, doth authorize him to use all means which tend to the accomplishment thereof. That which is objected,—that "laymen have power to remit sins by Baptism,
487 but no power to consecrate,"—signifieth nothing as to this point. For, first, their own doctors do acknowledge, that "a layman cannot baptize solemnly, nor . . in the presence of a Priest or a deacon; nor in their absence, except only in case of necessity:—St. Austin gives the reason,"—because "no man may invade another man's office[v]." Laymen may and are bound to instruct others in case of necessity; yet the office of preaching and instructing others is conferred by ordination. The ordinary office of remitting sins, both by Baptism and by the Holy Eucharist, doth belong to Bishops,

[t] [To these words is added in Ordinal of 1662, as follows,—"for the office and work of a Priest in the Church of God, now committed unto thee by the imposition of our hands."]

[u] [See Hooker, E. P., bk. V. c. lxxvii. § 5—7; and Nichols, on Comm. Prayer, Supplem.]

[v] Bellarm., De Sacram. Bapt., lib. i. c. 7. [Op. tom. ii. p. 311. D; from August., Cont. Ep. Parmen., lib. ii. c. 13 (tom. ix. p. 44. F.).]

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and under them to Priests. Thirdly, this Priestly power to consecrate is contained in these words,—"Be thou a faithful dispenser of the Word of God, and Sacraments;" and afterwards, when the Bishop delivers the Holy Bible into the hands of those who are ordained Priests,—"Have thou authority to preach the Word of God, and administer the Sacraments." We do not deny but deacons have been admitted to distribute and minister the Sacraments by the command or permission of Priests, or as subservient unto them; but there is as much difference between a subservient distribution of the Sacrament, and the "dispensing" or "administering" of it, as there is between the office of a porter who distributeth the alms at the gate, and the office of the steward who is the proper dispenser of it. Look to it, gentlemen; if your own ordination be valid, ours is as valid, and more pure.

[Our forefathers no Zuinglians.]

They make the cause of these defects in our form of ordination to be, because "Zuinglianism and Puritanism did prevail in the English Church in those days."—"They believed not the Real Presence; therefore they put no word in their form expressing power to consecrate: they held Episcopacy and Priesthood to be one and the same thing; therefore they put not in one word expressing the Episcopal function."

This is called leaping over the style before a man comes at it,—to devise reasons of that which never was. First prove our defects, if you can; and then find out as many reasons of them as you list. But, to say the truth, the cause and the effect are well coupled together. The cause (that is, the Zuinglianism of our predecessors) never had any real existence in the nature of things, but only in these men's imaginations; so the defects of our ordinals are not real but imaginary. Herein the Fathers adventured too far, to tell us that we have nothing in our forms of ordaining to express either the Priestly or Episcopal functions; when every child that is able to read can tell them, that we have the express words of Bishops and Priests in our forms, over and over again, and maintain to all the world that "the three orders of Bishops, Priests, and deacons have been ever from the beginning in the Church of Christ[x]."

[x] In Præfatione, [scil. of the Ordination Service.]

This, they say, "is the true reason, why Parker and his colleagues were contented with the Nag's Head Consecration" (that is to say, one brainsick whimsy is the reason of another); "and why others recurred to extraordinary vocation in Queen Elizabeth's time."

Say what others? Name one genuine son of the Church of England, if you can? Dr. Whitaker and Dr. Fulke, who are the only two men mentioned by you, are both professedly against you. Dr. Whitaker saith, 'we do not condemn all the order of Bishops, as he falsely slanders us, but only the false Bishops of the Church of Rome[y].' And Dr. Fulke,—"For order and seemly government among the clergy, there was always one principal, to whom the name of Bishop or superintendent hath been applied, which room Titus exercised in Crete, Timothy in Ephesus, others in other places;" adding, that "the ordination, or consecration, by imposition of hands, was always principally committed to him[z]."

The Fathers proceed.—"If Mr. Laud had found success in his first attempts, it is very credible, he would in time have reformed the form of the English ordination." [Of Archbishop Laud.]

That pious and learned prelate wanted not other degrees in Church and schools, which they omit. He was a great lover of peace, but too judicious to dance after their pipe, too much versed in antiquity to admit their new matter and form, or to attempt to correct the *Magnificat* for satisfaction of their humours. But whence had they this credible relation? We are very confident, they have neither author nor ground for it but their own imagination. And if it be so, what excuse they have for it in their case-divinity, they know best; but in ours we could not excuse it from downright calumny.

They have such an eye at our order and uniformity, that they cannot let our "long cloaks and surplices" alone. We
488 never had any such animosities among us about our cloaks, as some of their religious orders have had about their gowns[a]: both for the colour of them, whether they should be black or white or gray or the natural colour of the sheep; and for the

[y] De Eccles., Controv. II. Qu. v. c. 3. [These words do not occur in the place cited; but the doctrine contained in them is the subject partly of c. 6. (Op. tom. i. pp. 506—512, especially 509. b). By "Episcopi," however, Whitaker means simply "Pastores." And see above p. 135. note s.]

[z] In Titum, c. i. [v. 5.]

[a] [See Replic. to the Bp. of Chalcedon, c. ii. sect. 1, above in vol. ii. p. 76. note f.]

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fashion of them, whether they should be long or short, &c.; in so much as two Popes successively could not determine it.

[Of ceremonies; when useful, when superfluous.]

If Mr. Mason did commend the wisdom of the English Church for paring away superfluous ceremonies in ordination[b], he did well. Ceremonies are advancements of order, decency, modesty, and gravity in the service of God, expressions of those heavenly desires and dispositions, which we ought to bring along with us to God's house, adjuments of attention and devotion, furtherances of edification, visible instructors, helps of memory, exercises of faith, the shell that preserves the kernel of religion from contempt, the leaves that defend the blossoms and the fruit; but if they grow over thick and rank, they hinder the fruit from coming to maturity, and then the gardener plucks them off. There is great difference between the hearty expressions of a faithful friend, and the mimical gestures of a fawning flatterer; between the unaffected comeliness of a grave matron, and the fantastical paintings, and patchings, and powderings, of a garish courtesan. When ceremonies become burdensome by excessive superfluity, or unlawful ceremonies are obtruded, or the substance of Divine worship is placed in circumstances, or the service of God is more respected for human ornaments than for the Divine ordinance; it is high time to pare away excesses, and reduce things to the ancient mean. These Fathers are quite out, where they make it lawful at some times to add, but never to pare away: yet we have pared away nothing, which is either prescribed or practised by the true Catholic Church. If our ancestors have pared away any such things out of any mistake (which we do not believe), let it be made appear evidently to us, and we are more ready to welcome it again at the fore-door, than our ancestors were to cast it out at the back-door. "*Errare possumus, hæretici esse nolumus.*"

[Of our assurance of our holy orders.]

To conclude.—As an impetuous wind doth not blow down those trees which are well radicated, but causeth them to spread their roots more firmly in the earth, so these concussions of our adversaries do confirm us in the undoubted assurance of the truth, and validity, and legality, of our holy orders. We have no more reason to doubt of the

[b] [Bk. ii. c. 16. § 3.]

truth of our orders, because of the different judgment of a handful of our partial countrymen, and some few foreign doctors misinformed by them, than they themselves have to doubt of the truth of their orders who were ordained by Formosus, because two Popes, Stephen and Sergius, one after another, out of passion and prejudice, declared them to be void and invalid. DISCOURSE V.

But supposing that which we can never grant without betraying both ourselves and the truth, that there were some remote probabilities, that might occasion suspicion in some persons prepossessed with prejudice, of the legality of our orders; yet, for any man, upon such pretended uncertainties, to leave the communion of that Church wherein he was baptized, which gave him his Christian being, and to apostate to them, where he shall meet with much greater grounds of fear, both of schism and idolatry, were to plunge himself in a certain crime for fear of an uncertain danger.

Here the Fathers make a brief repetition of whatsoever they have said before in this discourse (either out of distrust of the reader's memory, or confidence of their own achievements),—of the Nag's Head, and Mr. Neale, and the Protestant writers, and Bishop Bancroft, and Bishop Morton, and the other Bishops that sat with him the last Parliament (which being the only thing alleged by them in the author's lifetime, and proved so undeniably to be false, is enough to condemn all the rest of their hearsay reports for groundless fables), of our registers, of King Edward's Bishops, of Bishop Barlow, and of the form of our ordination;—directing him who will clear all those doubts, what he hath to do, as if we were their journeymen. Let them not trouble themselves about that; they are cleared to the least grain.

489 But if they will receive advice for advice, and pursue a prudential course, which they prescribe to others; if they regard the present face of the sky, and look well to their own interest, and the present conjuncture of their affairs; they have more need, and are more engaged in reputation, to defend themselves, than to oppugn others.

So they conclude their discourse with this short corollary; —"How unfortunately was Charles the First, late king of [Of King Charles I.]

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England, misinformed in matter of his Bishops and clergy! what scruple could he have had, if he had known the truth, to give way to the Parliament, to pull down Parliament Bishops, who were so far from being *de jure Divino*, that they were not so much as *de jure ecclesiastico?*"

We thank you, gentlemen, for your good will. The orthodox clergy of England are your fear; and you know what commonly followeth after fear, hate: "*oderunt quos metuunt.*" What pity it is that you were not of King Charles his council, to have advised him better? Yet we observe few princes thrive worse, than where you pretend to be great ministers. If you had counselled him upon this subject, perhaps you might have found him too hard for you; as another did, whose heart he burst with down-right reason[c]. If ever that innocent king had a finger in the blood of any of that party, that was it;—to choak a man with reason. But certainly that wise prince would not have much regarded your positive conclusions upon hearsay premisses.

We hold our benefices by human right, our offices of Priests and Bishops both by Divine right and human right. But put the case we did hold our Bishoprics only by human right; is it one of your cases of conscience, that a sovereign prince may justly take away from his subjects any thing which they hold by human right? If one man take from another that which he holds justly by the law of man, he is a thief and a robber by the law of God. Let us alter the case a little, from our Bishoprics to their colleges or their treasures:—if any man should attempt to take them from them, upon this ground because they held them but by human right, they would quickly cry out with Ploiden, 'the case is altered.' Be our right Divine, or human, or both, if we be not able to defend it against any thing the Fathers can bring against it, we deserve to lose it.

[c] [Viz., Alexander Henderson; whose disputation with King Charles I. upon the subject of Episcopacy may be found in the works of the latter, and who is said to have died of vexation at being worsted in the controversy (Clarend., Hist. of Rebell., bk. x. vol. iii. Pt. i. pp. 54, 55).]

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1022 THERE being several printed pamphlets extant, in which some such adversaries as had the conscience at first to frame, have now hardened themselves to defend, that impudent fable of the Nag's Head Consecration, and to deny that there were any records of those times, reporting any other consecration of Archbishop Parker than that infamous pretended one; and the most Reverend Author of the former Discourses frequently mentioning and referring himself to the registers of those days; it was thought fit here, for satisfaction of the world, and stopping the mouth of calumny, to publish the copy of the record; the original of which any may see, who please to search the registry of the see of Canterbury; as also another old manuscript memoir, out of Corpus Christi College Library in Cambridge: —which are as following.

I.

[*Record of Archbishop Parker's Confirmation and Consecration, from the Lambeth Register.*]

REGISTRUM[a] REUERENDISSIMI IN CHRISTO PATRIS ET D'NI, D'NI MATTHEI PARKER, IN ARCHIE'PUM CANTUARIEN. PER DECANU. ET

[a] [The record here printed occupies from the 2nd to the 11th leaf (inclus.) of vol. i. of Abp. Parker's Register, the 1st leaf being emblazoned with his arms and motto, and the 2nd containing the title of the entire volume (the first paragraph above printed) engrossed in large capitals. The remainder of the volume consists of, 1. succeeding *Confirmations and Consecrations* up to those of Edm. Freake to the see of Rochester (March 3 and 9, 1571-2) inclus., fol. 12. a—145. b (the concluding portion of Freake's record being entered, for want of room, in a later page, fol. 213. b —214. b), 2. *Inductions* &c. by the Abp. in different sees of his province during their *Vacancies*, within a similar period, fol. 146. a—213. b, 3. *Commissions* during a similar period, including accounts of *Ordinations*, first, up to May 28, 1560, while Anthony Huse was primary Registrar, fol. 217. a—221. a, next, from June 2, 1560, while John Incent held the same office, fol. 221. a—299. b, 4. *Visitations*, fol. 301. b—339. b, 5. *Inductions* &c. within the Abp.'s own diocese during a similar period, fol. 340. a—411. a, being the end of the volume. A second volume continues all five classes of entries to the close of Parker's Primacy, including also the register of the see between Parker's death and Whitgift's appointment. Both are entire volumes, and not (as is Cranmer's) collections of loose leaves bound together at the Archbishop's death; which is proved of vol. i. by the record of Freake's consecration above mentioned.

That the record here printed is an original portion of the volume to which it belongs, is proved,—1. by the reference to it for details of arrangement and form of consecration employed, in the records of twelve succeeding consecrations, the last in fol. 80. a,—2. by its agreement with the entries under the several "Vacancies" above mentioned, the earliest acts of jurisdiction by Parker (among some hundreds) bearing date Dec. 11 and 12, 1559 (viz.

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CAP'T'LM. ECCL'IE CATH. ET METROPOLITICE XPI. CANTUARIEN. P'DICT. VIGORE ET AUC'TE LICENTIE REGIE EIS IN HAC P'TE FACT., PRIMO DIE MENSIS AUGUSTI ANNO D'NI MILLESIMO QUINGENTESIMO QUINQUAGESIMO NONO ELECTI, AC P'. REUERENDOS P'RES D'NOS WILL'UM BARLOWE NUP. BATHON. ET WELLEN. E'PUM, NU'C ELECTUM CICESTREN.[b], JOH'E[m] SCORY DUDU. CICESTREN.[b] E'PUM, NU'C ELECTU. HEREFORDEN., MILONE. COVERDALE QUO'DA. EXON. E'PUM, ET JOH'EM HODGESKYN E'PUM SUFFRAGANEU. BEDFORDEN., VIGORE L'RARU. COMMISSIONALIU. REGIARU. PATEN. EIS DIRECTARU. NONO

Probate of Will in Lincoln dioc., fol. 150. a, and Institut. of John Oxenbridge to Church of Llanynis, Bangor dioc., fol. 148. a), i. e. two and three days after the date assigned to Parker's confirmation, —3. by its agreement with the Commissions entered under the 3rd head above mentioned, of which the earliest is dated Dec. 20, 1559,—4. by the handwriting, which is the same with that of the immediately subsequent entries (the marginal headings above given being an addition in another hand, and eight or ten corrections, for the most part of no importance,—all marked in the present reprint,—and the paragraphs at the foot of fol. 2. b, 3. b,—below pp. 175, 179, in italics,—being added in a third hand),—and 5. by the paging. The genuineness of the entire volume is proved (to say nothing of the absurdity of supposing a folio volume of 411 leaves, filled with matter so multifarious and circumstantial, to be a forgery) by the non-existence of any other register of Parker's Archiepiscopal acts, by the agreement of this in handwriting and appearance with what it professes to be, by the minute consistency of its several parts with one another (e. g. the dates under the "Vacancies" of the several sees exactly tallying with the dates assigned to the several consecrations which filled up each vacancy,—see the separate notes to the 1st Table added below at the end of these Records), by its exact correspondence in the *order* of consecrations recorded with the order of precedence among the several Bishops concerned, in Convocation and in Parliament (see at the end of the same Table), by its equally exact correspondence in a multiplicity of names and dates with the Registers of the Chapters of the several sees of the province and with the Rolls (see the same Table for a specimen), by the detailed references to it in the Life of Parker in the De Antiq. Brit. Eccl. (1572), and from thence in Holinshead in 1586, and by its agreement with all that is known from other sources of the several Bishops and other persons mentioned (see e. g. the separate notes to the same Table). That the last three arguments apply also directly to the particular record of Parker's confirmation &c. here printed, see the notes to Parker's name in the same Table, and below pp. 178. note n, 179. p, 192-193. z—l, 198. s, 199-200. v—d, 205. p, 206. w, which will supply some further details pointing the same way.

The objections to the genuineness of that record rest either upon misprints in the folio edition of Bramhall's works (e. g. note b below), or upon the mistake in the Rolls noticed below p. 178. note n, or upon the additional sentences, printed here in italics, in pp. 175, 179, or upon the assertion, that the Register was not produced, although called for, until the time of Mason, when the witnesses were all dead, the truth being that it *was* quoted, although *not* called for, in 1572 and 1586, and referred to in 1565, although undoubtedly not printed at length so as to publish the witnesses' names until 1676, or lastly upon the misquotations of Butler, Sutcliffe, and the (confessedly inaccurate) first edition of Godwin (see above p. 131, notes f, h, i).

It is reprinted here from the original Register, the contractions, stops, and orthography, being retained with as much exactness as in so long a record and with ordinary types is attainable.

The record of the consecration of Parker, headed Rituum et Ceremoniarum Ordo, &c. (below pp. 203—205), has been printed also by Percival (appendix A.); and the whole record was printed (for the first time) at the end of the folio edition of Bramhall's works in 1676, 7; and collated for Courayer in 1725. See below p. 210.]

[b] [Misprinted *L*icestren. in the folio edition of Bramhall's Works.]

DIE MENSIS DECE'BRIS TUNC PROX. SEQUEN. CONFIRMATI, NECNO. P'. IP'OS REUERENDOS P'RES AUC'TE P'DICT. DECIMO SEPTIMO DIE EIUSDEM ME'SIS DECE'BRIS CO'SECRATI, ANTHONIO HUSE[c] ARMIGERO TUNC REG'RARIO PRIMARIO DICTI REUERENDISSIMI P'RIS.

Primo die mensis Junii Anno d'ni 1560. prefatus Anthonius Huse mortem obijt, cui successit Johannes Jncent[d] *in officio Reg'rariatus predict.*

Dictus Reuerendissimus Mattheus Archie'pus Cantuarien. xvii°. die mensis Maij Anno d'ni 1575. in aurora, apud Lambehith mortem obijt et diem suum clausit extremu.[e]

Cantur.

ACTA HABITA ET FACTA IN NEGOCIO CONFIRMAC'O'IS electionis venerabilis et eximij viri mag'ri Matthei Parker Sacre Theologie professoris in Archie'pum Cantuarien. electi, Nono die mensis Decembris Anno d'ni Mill'imo, Quingen°, Quinquagesimo, nono et Regni felicissimi illustrissime in Xpo. Principis et
1023 d'ne n're, d'ne Elizabethe Dei gr'a Anglie, ffrancie et Hibernie Regine fidei defens. &c. Anno secundo, in eccl'ia parochiali Beate Marie de Archubus London, eccl'ie Metropolitice Xpi. Cantuar. Iurisdictionis immediate, coram Reuerendis in Xpo. patribus, d'nis Will'mo quondam Bathon. et Wellen. e'po nunc electo Cicestren., Ioh'e Scory quondam Cicestren. e'po, nunc Hereforden. electo, Milone Coverdale quondam Exon. e'po, et Ioh'e Bedforden. e'po Suffraganeo, median. l'ris Commissionalibus paten. d'ce illustrissime D'ne n're Regine in hac parte Commissarijs inter alios, cum hac clausula, Quatenus vos aut ad minus quatuor v'rum &c. Necnon cum hac adiectione Supplentes nihilominus &c. l'time fulcitis, in p'ntia mei ffrancisci Clerke[f] notarij pu^ci^ in Actorum Scribam in hac parte propter ab'iam mag'ri Anthonij Huse Reg'rarii etc. assumpti, prout sequitur viz.

Acta confirmationis electionis d'ni Matthei Parker Archie'pi Cant.

DIE ET LOCO predict. inter horas octava. et Nonam ante meridiem coram Commissarijs supra-no'i'atis, comparuit p'sonal'r Ioh'es

[c] [Anthony Huse had been Registrar to Cardinal Pole;—but little more is known of his history than is mentioned above in the text.]

[d] [John Incent was probably a relation of the Dean of St. Paul's of the same names, who died in 1545 (Wharton, De Decan. Londin.,—Newcourt, vol. i. p. 47).]

[e] [These two paragraphs are inserted in the third hand above mentioned and with a different ink, and in a blank space at the foot of a page. There is a similar entry of Grindall's death in the commencement of his Register, as Abp. of Canterbury.]

[f] [See above, p. 98. note n.]

PART I. APPENDIX.

Incent notarius pu^cus ac p'ntauit eisdem reverendis d'nis Commissarijs l'ras Commissionales patentes Regias, eis in hac parte directas, humil'r Supplicando Quatenus Onus executionis l'rarum commissionaliu. patentium h'mo'i in se assumere, ac juxta earum continentia. procedend. fore in dicto Confirmationis negocio decernere dignarentur, Quibus quidem l'ris Commissionalibus de Mandato d'corum Commissariorum per eundem Ioh'em Incent pu^ce perlectis, ijdem Commissarij ob reuerentiam et honorem d'ce Serenissime d'ne n're Regine, acceptarunt in se Onus l'rarum Commissionaliu. patentium Regiaru. h'mo'i, et decreuerunt procedend. fore iuxta vim forma., et effectum earundem, Deinde dictus Ioh'es Incent exhibuit procuratorium suu. pro decano et Cap't'lo eccl'ie Metropolitice Xpi, Cantuarien. et fecit se partem pro eisdem, ac no'i'e Procu'rio eorunde. decani et Cap't'li p'ntauit eisdem Commissarijs, venerabilem virum mag'rum Nicholau. Bullingham[g] Legum doctorem, ac e regione d'corum Commissariorum sistebat, Qui exhibuit Procuratorium suum pro dicto venerabili et eximio viro mag'ro Mattheo Parker Cantur. electo, et fecit se partem pro eodem, Et tunc d'cus Ioh'es Incent exhibuit Mandatum Citatorium Originale vnacum Certificatorio in dorso super executione eiusdem, et petijt omnes et sing'los citatos pu^ce preconizari; Ac consequenter facta trina pu^ca preconizatione omniu. et sing'lorum Oppositorum ad foras eccl'ie p'och'is de Archubus predict. et nullo eorum comparente, nec aliquid in hac parte opponen., obijcien., vel excipien., d'cus Ioh'es Incent accusauit eorum Contumacias, et *petijt*[h] eos et eorum quemlibet reputari contumaces, ac in pena. Contumaciarum suarum h'mo'i viam ulterius in hac parte opponendi contra d'cam electionem, formam eiusdem, aut p'sona. electam precludi, Ad cuius petic'o'em d'ci d'ni Commissarij pronunciarunt eos Contumaces, ac in pena. &c. viam vlterius in hac parte opponendi eis et eorum cuilibet precluserunt, Necnon ad petic'o'em d'ci Ioh'is Incent ad vlteriora in h'mo'i Confirmationis negocio procedend. fore decreuerunt, prout in Schedula per prefatu. d'nm. Will'mu. Barlow electum Cicestren. de consensu Collegarum suorum 1024
lecta plenius continetur. Qua quidem Schedula sic lecta prefatus Ioh'es Incent in p'ntia prefati mag'ri Nicholai Bullingham procu'ris d'ni electi Cant. anted'ci dedit Summaria. petic'o'em in Scriptis, quam petijt admitti, ad cuius petic'o'em d'ni Commissarij admiserunt d'cam Summariam petic'o'em et assignarunt d'co Incent ad probandum contenta in eadem ad statim, Deinde Incent in Subsidium probationis contentorum in d'ca Summaria peticione, exhibuit processu. electionis de p'sona d'ci venerabilis viri, mag'ri

[g] [See below pp. 219, 220.]
[h] [An insertion by the third hand and with different ink.]

Matthei Parker per decanu. et Cap't'lm. eccl'ie cath. et Metropolitice. Xpi. Cant. predict. fact. et celebrat., quo per d'nos Commissarios viso, inspecto, et perspecto, ijdem D'ni Commissarij ad petic'o'em prefati Ioannis Incent h'mo'i processu. pro lecto habendu. fore et censeri voluerunt et decreuerunt, Et tunc d'cus Incent super h'mo'i Summaria peticione produxit Ioh'em Baker[i] gener. et Will'mum Colwyn[j] Artium mag'rum in Testes, Quos d'ni Commissarij ad eius petic'o'em Iureiurando onerarunt, de dicendo veritatem quam nouerint in hac parte, Quibus per me prefatu. ffranciscum Clerke seorsum et Secrete examinatis, eorumq; dictis et Attestationibus ad petic'o'em d'ci Ioh'is Incent per d'nos Commissarios publicatis, et per ip'os visis et inspectis, ip'i d'ni Commissarij ad petic'o'em dicti Incent assignarunt sibi ad proponend. o'ia ad Statim. Deinde Incent exhibuit omnia et sing'la per eum in dicto negocio exhibita et proposita quatenus sibi conducunt, et non al'er neq; alio modo, Et tunc d'ni ad petic'o'em Incent assignarunt sibi ad concludend. ad Statim. dicto Incent concludente cum eisdem d'nis Commissarijs secu. etiam concludentibus, Qua Conclusione sic facta dicti d'ni Commissarij ad petic'o'em Incent assignarunt ad audiend. finale decretum siue S'niam diffinitiuam ad Statim. Consequenter vero facta alia trina preconizatione Oppositorum sic (ut premittitur) citatoru., et non comparen. nec quicq'; in hac parte opponen., d'ni Commissarij ad petic'o'em Incent pronunciarunt eos et eorum quemlibet contumaces, ac in pena. contumaciaru. suarum h'mo'i decreuerunt procedend. fore ad prola-c'o'em S'nie diffinitiue siue decreti finalis in hac causa ferend., ip'orum sic citatorum et non comparen. ab'ia siue contumacia in aliquo non obstan., prout in Schedula per memoratum D'nm. Will'mum Cicestren. electum de consensu collegarum suorum lecta dilucidius continetur. Hijs itaq; in ordine gestis, ac prestito per mag'rum Nich'um Bullingh'm no'i'e procu'rio prefati d'ni electi Cantuarien. ac in a'i'am ip'ius d'ni electi Iuramento corporali, iuxta forma. descripta. in Statut. parliamenti Anno primo Regni d'ce d'ne Regine Elizabethe edit. prefati d'ni Commissarij ad petic'o'em d'ci Incent tulerunt et promulgarunt S'niam diffinitiua. in Scriptis per prefatu. d'nm. Will'mum electum Cicestren. de Consensu collegaru. suorum lectis, pronunciando, decernendo, ceteraq; faciendo prout in eadem continetur, Super Quibus tam prefatus mag'r Nicholaus Bullingh'm
1025 quam d'cus Ioh'es Incent me eundem ffranciscum Clerke sibi vnu. vel plura pu^{cu}. seu pu^{ca} Instrumentum siue Instrumenta conficere, ac Testes inferius no'i'atos Testimonium inde perhibere *petiverunt*[k].

[i] [See below, p. 199. note z.]

[j] [The name should be Tolwyn. See below p. 200. note d. But C and T are very similar letters in the original MS., and it *may* be Tolwyn here.]

[k] [Interlined by the third hand and with different ink.]

PART I. APPENDIX.

Postremo autem d'ci d'ni Commissarij ad peti'co'em tam procuratoris prefati d'ni electi et confirmati quam procu'ris Decani et Cap't'li eccl'ie Metropolitice Xpi. Cantuar. predict. decreuerunt ip'um Reuerendissimu. d'nm. electum et confirmatum consecrandum et benedicend.[1] fore, Curamq; Regimen et Administrationem Sp'ualium et Temporaliu. d'ci Archie'patus Cantuar. eidem d'no electo et confirmato commiserunt, Ip'umq; in realem, actualem, et corporalem possessionem d'ci Archie'patus, Iuriumq; Dignitatu., Honorum, Preeminen. et pertinen. suorum vniuersorum inducend., et intronizand. fore etiam decreuerunt, per decanum et Cap't'lm. eccl'ie cath'is et Metropolitice Xpi. Cantuar. predict. aut alium quemcunq; ad quem de Iure et consuetudine id munus dinoscitur pertinere, iuxta eccl'ie Xpi. Cantuar. morem laudabilem, Legibus et Statutis modernis huius incliti Regni Anglie non reclamantem aut aduersantem.

L're patentes de assensu regio electioni adhibit.

ELIZABETH Dei g'ra Anglie ffrancie et Hibernie Regina, fidei defensor etc. Reuerendis in Xpo. p'ribus Anthonio Landaven. e'po Will'mo Barlo quondam Bathon. e'po nunc Cicestren. electo, Ioanni Scory quondam Cicestren. e'po, nunc electo[m] Hereforden., Miloni Coverdale quondam Exon. e'po, Ioanni[n] Bedforden., Iohanni Thetforden. e'pis Suffraganeis, Ioh'i Bale Osseren. e'po Sal'tm. Cum vacante nuper Sede Archie'pali Cantuar. per mortem naturalem d'ni Reginaldi Pole Cardinalis vltimi et Immediati Archie'pi et pastoris eiusdem, ad humilem petic'o'em Decani et Cap't'li eccl'ie n're cath'is et Metropolitice Xpi. Cantuarien., eisdem per l'ras n'ras patentes L'niam concesserimus, alium sibi eligend. in Archie'pum et pastorem Sedis pred'ce, Ac ijdem decanus et Cap't'lm. vigore *et*[o] obtent. l'nie n're pred'ce dil'cm. nobis in Xpo. mag'rum Mattheum Parker Sacre Theologie Professorem sibi et eccl'ie pred'ce elegerunt in Archie'pum et pastorem, prout per l'ras suas patentes Sigillo eorum communi sigillat. nobis inde directas plenius liquet et apparet, Nos electionem illam acceptantes, eidem Electioni Regiu. n'rum As-

[1] [The words "et benedicend." were overlooked in the folio edition of Bramhall's Works.]

[m] ["Electo" is omitted by Rymer, wrongly, the word existing in the Roll, as it is here rightly entered in the Register. Anthony Llandaff is placed first and before Barlow, although his junior by 10 years as a Bishop, probably because he alone of the seven at this time held a see. In C.C.C.C. MSS., vol. 114. p. 509, is a writing signed by him, dated July 18, 1 Eliz. (1559), in which he promises to maintain the established religion, and to tender the oath of supremacy to all persons receiving office within his diocese, which oath the Queen had allowed him longer time to consider of, before he should be required to take it.]

[n] ["In the original" (i. e. the Register) "it was writ '*Richardo*' first, which has a dash through it, and '*Joanni*' is writ over" (by the third hand). Note by Editor of the fol. edit. of Bramhall's Works, appended by mistake in that edition to the word "Johanni" immediately following in the text. It stands "*Richardi*" in the Roll (see above pp. 74—76), and therefore (most probably) in the original patent; whence arises a strong presumption for the genuineness of the Register.]

[o] [Interlined by the third hand.]

sensu. adhibuimus pariter et fauorem Et hoc vobis Tenore p'ntium significamus, Rogantes ac in fide et dilectione quibus nobis tenemini firmiter precipiendo mandantes, Quatenus vos aut ad minus Quatuor v'rum eundem mattheum Parker in Archie'pum et pastorem eccl'ie cath'is et Metropolitice Xpi. Cantuar. predicte (sicut prefertur) electum, electionemq; pred'cam confirmare, et eundem mag'rum Mattheum Parker in Archie'pum et pastorem eccl'ie pred'ce consecrare, Ceteraq; omnia et singula peragere que v'ro in hac parte incumbunt Officio Pastorali, iuxta formam Statutorum in ea parte editorum et prouisorum velitis cum effectu. Supplentes nihilominus Suprema auc'te n'ra Regia ex mero motu et certa Scientia n'ris Si quid aut in hijs
1026 que iuxta Mandatum n'rum pred'cum per vos fient, aut in vobis aut v'rum aliquo, Conditione, Statu, facultate, v'ris, ad Premissa p'ficiend. desit, aut decerit, eorum que per Statuta huius Regni n'ri, aut per Leges eccl'iasticas in hac parte requiruntur, aut n'cc'ria sunt, Temporis Ratione et rerum necessitate id postulante In cuius Rei Testimonium has l'ras n'ras fieri fecimus patentes. T. meip'a apud Westm. sexto Die Decembris Anno Regni n'ri Secundo. Ha. Cordell[p].—

Wee[q] *whose names be heare subscribid, thinke in our Judgementes, that by this Commission in this forme pennid as well*

[p] [See Rymer, tom. xv. pp. 549, 550; and above pp. 74, 75. The first commission of Sept. 9, as it was not acted upon, is not recorded in the Register, but only in the Rolls; which accounts for Mason's ignorance of its existence. Strype saw "the first draught of it" (as he "supposed") "in the Paper Office," with "a blank left to be filled up with the names of the Bishops: only Cuthbert Bishop of Durham's name is put in by Parker's own hand" (Strype, Parker, II. i.). In C.C.C.C. MSS., vol. 114. p. 125, is an orig. letter from Sir N. Bacon to Parker, dated Redgrave Sept. 7, 1559, beginning thus, "I send yr. grace ye Royall assent sealyd," &c., and wishing him happiness on his promotion. The words "Ha. Cordell" (possibly 'Ha.' for 'habui,' instead of the usual word 'recepi,' or 'habeat,' for the usual ss. i. e. sigilletur), should be the signature of either the Clerk of the Signet or the Lord Privy Seal or the Lord Chancellor or of their clerks (see above p. 64), the subscription of which was the warrant for the affixing of the Signet, Privy Seal, or Great Seal respectively. Several documents of the kind in Cranmer's Reg. are accordingly countersigned "Crumwell;" and the above signature is attached to many in Parker's Reg. Sir William Cordell was Master of the Rolls from Nov. 8, 1557 to May 30, 1580 in the reigns of Mary and Elizabeth, and had been Privy Counsellor to the former but was "laid aside" on the accession of the latter (Strype, Memor. III. ii. 160;—Beatson's Polit. Index). He was made a legatee by Abp. Parker, and named an "overseer" of his Will, in 1575 (Strype, Parker, bk. iv. c. 45).]

[q] [See Mason, bk. iii. c. 9. § 9. This certificate is written by the third hand above mentioned on the margin at the foot of fol. 3. b, which ends with the word "Cordell;" and forms therefore no part of the original record. It was probably copied in from the original document, that it might be found with the record of the letters patents, which gave cause for it. The reason for its existence is obviously to be found in the clause Supplentes inserted in those letters patents, and in the reasons for the insertion of that clause: and for those reasons see above, pp. 77—83, and notes.]

PART I. APPENDIX.

the Quenes Ma[tie] *may lawfully auctorize the p'sons within namid to theffecte specified as the said p'sons maye exercise the acte of confirminge and consecratinge in the same to them committid.*

Will'am Maye[r], *Henry Harvey*[u],
Robert Weston[s], *Thomas Yale*[x],
Edward Leedes[t], *Nicholas Bullingham*[y].

Procuratoriu. Decani et Cap't'li Cantur.

PATEAT vniuersis per p'ntes, Q'd nos decanus et Cap't'lm. eccl'ie cath. et Metropolitice Xpi. Cantuarien. in Domo n'ra Cap't'lari, cap't'lariter congregati de vnanimi Assensu et Consensu n'ris Dilectos nobis in Xpo. mag'rum Will'mum Darrell[z] cl'icum in Artibus mag'rum eccl'ie cath. et Metropolitice Xpi. Cant. predict. Canonicu. et Prebendarium, Anthoniu. Huse armigerum, Ioh'em Clarke et Ioh'em Incent Notarios pu[cos] co[m] et di[m]* n'ros veros, certos, l'timos ac indubitatos procu'res, actores, factores, negociorumq; n'rorum gestores, et nuncios Sp'iales ad infrascripta, no'i'amus, ordinamus, faci-

[r] [William May (more correctly Mey), L.L.D., was Master of Queen's Coll., Cambridge, in 1535, Chancellor and first Prebendary of Ely in 1541, Dean of St. Paul's in 1545, ejected on Qu. Mary's accession, restored and nominated to the see of York on that of Qu. Elizabeth, elected to that see Aug. 8, 1560 (Richardson, in his edit. of Godwin, from the York Register), but died on the same day (Zurich Letters, p. 93.—Strype, Annals, I. i. 206). Wharton dates his election on the 12th of August (Specim. p. 154). See also Newcourt,—Le Neve,—Br. Willis in his account of Ely diocese.]

[s] [Robert Weston was originally Fellow of All Souls, Oxford, and then Principal of Broadgates Hall, and Chancellor of Exeter; but leaving this in the reign of Qu. Mary, he became Doctor of the Civil Law, Dean of the Arches, Dean of Wells, and at length one of the Lords Justices and Chancellor of Ireland (Wood, Hist. and Antiq. of the Univ. of Oxford, bk. ii. Pt. ii. p. 856. ed. Gutch). He died May 20, 1573 (Tanner,—Newcourt).]

[t] [Edward Leedes, or Leades, at this time "Licentiate of Laws" (Reg. Parker, repeatedly), L.L.D. in 1569 (Table at the end of Master's Hist. of C.C.C.), entered at C.C.C., Cambridge, i. e. Parker's own College, in 1552 (id., ibid.), and became Master of Clare Hall (Le Neve;—Br. Willis by mistake says, of *Catharine* Hall) from 1558-9 to 1571, Prebendary of Ely until 1584, and Precentor of Lichfield from June 20, 1560 until his death in 1588-9 (Br. Willis, Cathedr.). He was in 1559 one of Abp. Parker's chaplains (see below p. 208), and was associated with Dr. Yale, mentioned below, in several commissions of visitation in 1560 (Strype, Parker, bk. ii. cc. 2, 3).]

[u] [Henry Harvey, L.L.D., was Master of Trinity Hall, Cambridge, from 1560 to 1584 (Le Neve). He was admitted to a prebend of Lichfield May 26, 1559 (Br. Willis), and collated to a prebend in Salisbury Cathedral, Oct. 23, 1559 (Pole's Reg.—Wood, Fasti, vol. i. p. 231. ed. Bliss).]

[x] [Thomas Yale, L.L.D., was Chancellor to Archbishop Parker, and Judge of the Court of Audience (Reg. Park., and see Strype, Parker, bk. ii. c. 3); prebendary of Lichf. March 25, 1560; and in 1570 Keeper of the Prerogative Court (ibid. bk. iv. cc. 3, 46). He was also one of those employed by Parker in his antiquarian and ecclesiastical researches (Ibid. Append. num. lx. and see Planta's Catal. of Cotton MSS., Cleopatr. F. 1. 248), and was chosen by him to be an "overseer" of his will (ibid. Append. num. c.); and died in 1577 (Br. Willis).]

[y] [See above, p. 176, note g.]

[z] [See below p. 193, note g.]

* [i. e. "conjunctim et divisim."]

mus, et constituimus per p'ntes; damusq; et concedimus eisdem procu'ribus n'ris co^{m} et eorum cuilibet (vt prefertur) per se di^{m} et insolid., p'tatem generalem, et Mandatu. speciale pro nobis et no'ibus n'ris, venerabilem et eximiu. virum mag'rum Mattheum Parker sacre Theologie Professorem in Archie'pum et pastorem d'ce eccl'ie cath. et Metropolitice Xpi. Cant. per nos electum, seu eius procuratorem l'timu., Temporibus et Locis congruis et oportunis adeundi, Ip'umq; ex parte n'ra, ad consentiend. electioni de p'sona sua facte et celebrate debita cum Instantia petend. et requirend., Necnon electionem h'mo'i per nos de p'sona prefati mag'ri Matthei Parker (vt prefertur[a]) factam et celebrata., excellentissime in Xpo. Principi et d'ne n're, d'ne Elizabethe dei gr'a Anglie, francie, et Hibernie Regine fidei defens. &c. d'ce eccl'ie fundatrici et p'rone intimandi et notificandi, ac[a] eius Consensu. et Assensu. regios in ea parte humil'r implorand., Ac decretum electionis pred'ce, et p'sonam per nos (vt premittitur) electam, coram quibuscunq; p'sonis Regia auc'te in hac parte l'time fulcitis p'ntandi et exhibendi, Dictumq; decretum siue processum electionis pred'ce, et persona. sic (vt premittitur) electam, in debita Iuris forma confirmari et approbari, defectusq;[b] (Si qui forsan in hac parte interuenerint) debite suppleri petend., requirend., et impetrand., agendiq; et defendend. ac litem seu lites contestand., et contestari videnda., Articulu. siue Artic'los, Libellu. siue libellos, seu quascunq; Summarias petic'o'es dand. et proponend.[b],
1027 Testes, l'ras, et Instrumenta ac alia quecunq; probationum genera producend. et exhibend., Testesq; h'mo'i iurari videnda. et audiend., In causa seu causis concludend. et concludi videnda., d'cumq; Confirmationis negociu. vsq; ad finalem expedic'o'em eiusdem inclusiue prosequend., Necnon Administrationem omniu. et sing'lorum Sp'ualium et Temporaliu. d'ci Archie'patus Cantuar. eidem electo committi, Ip'umque in realem, actualem, et corporalem possessionem eiusdem Archie'patus, Iuriumq; dignitatu., honoru., preeminen. et pertinen. suorum vniuersorum inducend. et intronizand. fore decerni petend., requirend. et obtinend. Et general'r omnia et Sing'la alia faciend., exercend., et expediend., Que in premissis et[c] circa ea n'cc'ria fuerint seu q'mo'l't[d] oportuna, etiamsi mandatum de se magis exigant speciale quam Superius est expressum, Promittimusq; nos ratum, gratu., et firmu. perpetuo habituros Totum et Quicquid d'ci procu'res n'ri, seu eorum aliquis fecerint seu fecerit in premissis vel aliquo premissorum, et in ea parte Cautionem exponimus per p'ntes.

[a] [Misprinted "*pro*fertur," and "et," in the folio edition of Bramhall's Works.]

[b] [Misprinted "*ef*fectusq;," and "*pre*ponend," in the same edition.]

[c] [Misprinted "aut" in the same edition.]

[d] [i. e. "quomodolibet."]

PART I. APPENDIX.

In cuius Rei Testimoniu. Sigillum n'rum (Quo in p'nti vacatione Sedis Archie'palis Cantuarien. predict.) vtimur p'ntibus apponi fecimus. Dat. in Domo n'ra Cap't'lari Tertio die mensis Augusti, Anno d'ni Mill'imo, Quingen°, Quinquagesimo, Nono.

Procur. dicti d'ni electi.

PATEAT vniuersis per p'ntes, Q'd ego Mattheus Parker, Sacre Theologie professor in Archie'pum eccl'ie cath'is et Metropolitice Xpi. Cantuar. per venerabiles et eximios viros decanu. et Cap't'lm. eccl'ie pred'ce rite et l'time electus, dil'cos mihi in Xpo. mag'ros Willmu. Mey, decanu. eccl'ie cath'is Divi Pauli London, et Nicholau. Bullingham Legum doctorem, co^m^ et di^m^ meos veros, certos, l'timos ac indubitatos procu'res, actores, factores, negociorumq; meorum gestores, et nuncios Speciales ad infrascripta no'i'o, ordino, facio, et constituo per p'ntes, Doq; et concedo eisdem procuratoribus meis co^m^ et eorum vtriq; (vt prefertur) p'. se di^m^ et insolid. p'tatem generalem et mandatum Speciale pro me ac vice, loco, et no'i'e meis coram Reuerendis in Xpo. p'ribus et d'nis, d'nis Will'mo quondam Bathon. et Wellen. e'po, nunc Cicestren. electo Ioann^e^ Scory quondam Cicestren. e'po, nunc electo Hereforden., Milone Coverdale quondam Exon. e'po et Ioh'e Bedforden. e'po Suffraganeo, Serenissime in Xpo. Principis et d'ne n're, d'ne Elizabethe Dei gr'a Anglie, ffrancie, et Hibernie Regine fidei defens. &c. ad Infrascripta Commissarijs cum hac clausula viz. vnacu. d'nis Iohanne Thetforden. Suffraganeo, et Ioh'e Bale Osseren. e'po, et etiam hac clausula, Quatenus vos, aut ad minus Quatuor v'rum, &c. necnon et hac adiectione, Supplentes nihilominus, &c. special'r et l'time deputatis comparendi, meq; a p'sonali Comparic'o'e excusand., ac ca'am et ca'as ab'ie mee h'mo'i allegand., et proponend., ac (si opus fuerit) fidem desuper faciend. et iurand., Electionemq; de me et p'sona mea ad d'cm. Archie'patu. Cantuarien. per prefatos decanu. et Cap't'l'm. eccl'ie cath'is et Metropolitice Xpi. Cantuar. factam et 1028
celebratam per eosdem Commissarios regios approbari et confirmari, meq; in Archiepresulem Cantuarien. predict. recipi et admitti, Atq; in realem, actualem, et corporalem possessionem d'ci Archie'patus Cantuarien. Iuriumq; et pertinen. suorum vniuersorum induci, et intronizari petend. requirend. et impetrand., decretaq; quecunq; in hac parte n'cc'ria et oportuna ferri et interponi petend. et obtinend., Iuramentum insuper tam de fidelitate, Subiectione et ob'ia dicte Serenissime d'ne n're Regine Elizabethe, heredibusq; et Succ'. suis prestand. et exhibend., necnon de renunciando, recusando, et refutando o'em et o'i'odam auc'tem, p'tatem, Iurisdictionem, et Superioritatem forinsecas et extraneas, secundum vim, forma., et effectum, Statutorum huius incliti Regni Anglie in hac parte editorum et prouisorum. Quam etiam aliud quodcunq; Sacramentu. licitum et hones-

tum, ac de Iure, Legibus, et Statutis huius Regni Anglie in hac parte q'mo'l't requisit. in a'i'am meam et pro me prestand., subeund. et iurand.; Et general'r omnia et sing'la alia faciend. exercend., exequend. et expediend. que in premissis[e] aut circa ea n'cc'ria fuerint seu q'mo'l't oportuna, etiamsi Mandatum de se exigant magis Speciale quam superius est expressum, promittoq; me ratum, gratu., et firmu. perpetuo habiturum, totum et quicquid d'ci procu'res mei seu eorum aliquis fecerint seu fecerit in premissis vel aliquo eorundem, sub ypotheca et obligatione om'iu. et sing'lorum Bonorum meorum tam p'ntium quam futuroru., et in ea parte Cautionem expono per p'ntes. In cuius Rei Testimonium Sigillu. venerabiliu. virorum D'norum decani et Cap't'li eccl'ie Metropolitice Xpi. Cantuar. presentibus affigi procuraui. Et nos decanus et Cap't'lm. antedict. ad Rogatum dicti Constituentis Sigillu. n'rum h'mo'i p'ntibus apposuimus. Dat. Septimo die mensis Decembris Anno D'ni Mill'imo, Quingen°, Quinquagesimo Nono, Regniq; felicissimi d'ce Serenissime D'ne n're Regine Elizabethe Anno secundo.

Citatio contra Oppositores, &c.

WILL'MUS quondam Bathon. et Wellen. e'pus, nunc Cicestren. electus, Ioh'es Scory quondam Cicestren. e'pus, nunc electus Herefordeu., Milo Coverdale quondam Exon. e'pus et Iohannes Bedforden. e'pus, median. l'ris Commissionalibus paten. illustrissime in Xpo. principis et d'ne n're d'ne Elizabethe Dei gr'a Anglie, francie, et Hibernie Regine, fidei defens. &c. vnacum hac Clausula viz. vnacu. d'nis Iohanne Thetforden. Suffraganeo, et Ioh'e Bale Osseren. e'po et etiam hac clausula, Quatenus vos, aut ad minus Quatuor v'rum &c. necnon et hac adiectione, Supplentes nihilominus &c. nobis directis[f] l'time fulciti, Vniuersis et sing'lis d'ce d'ne n're Regine Subditis per vniuersum Anglie Regnum vbilibet constitutis Sal'tm. Cum vacante nuper sede Archie'pali Cantuarien., per mortem naturalem d'ni Reginaldi Pole Cardinalis vltimi et immediati Archie'pi
1029 eiusdem, decanus et Cap't'lm. eccl'ie cath'is et Metropolitice Xpi. Cantur. predict. pro electione noui et futuri Archie'pi et pastoris eiusdem eccl'ie (L'nia Regia primitus in ea parte petita et obtenta) celebrand., certum Terminu. prefixerint, et assignauerint, Atq; in h'mo'i electionis negocio, Termino ad id Statuto et assignato rite procedentes, venerabilem virum, mag'rum Mattheum Parker Sacre Theologie professorem in eorum et d'ce eccl'ie cath'is et Metropolitice Xpi. Cant. Archiepresulem eligerint, Cumq; d'ca Serenissima D'na n'ra Regina ad humilem Petic'o'em dictorum Decani et Cap't'li eidem electioni de p'sona prefati electi (vt premittitur) facte et celebrate, et p'sone electe, Regium suum adhibuerit assensu., pariter et

[e] [Misprinted "premissa" in the folio edition of Bramhall's Works.]

[f] [Misprinted "directi" in the same edition.]

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fauorem, prout per easdem l'ras suas patentes, magno Sigillo suo Anglie sigillat. nobis[g] significauerit, Mandando, quatenus p'sona. electam, et electionem h'mo'i confirmare, et eundem Mattheu. in Archie'pum Cantur. consecrare, iuxta formam Statuti in ea parte editi et prouisi velimus cum omni Celeritate accommoda, prout per easdem l'ras patentes regias (ad quas h'eatur relatio) plenius liquet et apparet, Nos vero volentes eiusdem Serenissime d'ne n're Regine Mandatis pro Officii n'ri debito parere, ac in h'mo'i Confirmationis negocio juxta Iuris et Statutoru. huius incliti Regni Anglie exigentia. procedere, omnes et sing'los (Si qui essent) Qui contra d'cam electionem, seu forma. eiusdem, p'sonamue electam, dicere, vel opponere[h] voluerint, ad Diem, locum, et effect. subscriptos euocand. et citand. fore decreuimus, Iusticia id poscente, Vobis ig'r co^{m} et di^{m} committimus et firmiter iniungendo mandamus, Quatenus citetis seu citari faciatis peremptorie, pu^{ce} altaq; et intelligibili voce infra eccl'iam P'och'em beate Marie de Archubus London, eccl'ie Xpi. Cantuar. Jurisdictionis immediate, Necnon per affixionem p'ntium in aliquo loco conuenienti infra eccl'iam p'och'em predictam, vel in alijs locis publicis vbi videbitur expediens, omnes et sing'los Oppositores (si qui sint) in Specie, alioquin, in genere, Qui contra d'cam electionem, formam eiusdem, p'sonamue in hac parte electam dicere, objicere, excipere, vel opponere voluerint, Q'd compareant coram nobis in eadem eccl'ia de Archubus, die Sabbati prox. futur. viz. nono die p'ntis mensis Decembris inter horas octava. et Nona. ante meridiem eiusdem diei, cum Continuatione et prorogatione dierum extunc sequen. et Locorum si oporteat, contra electionem h'mo'i, forma. eiusdem, et p'sona. in ea parte electam (Si sua putauerint interesse) dictur. exceptur. et propositur., factur'q; vlterius et receptur. quod Iusticia in hac parte suadebit, et d'ci negocii Qualitas et natura de se exigunt et requirunt, Intimantes insuper modo et forma prerecitatis omnibus et sing'lis Oppositor. (Si qui sint) in Specie, alioquin in genere, Quibus nos etiam harum Serie sic intimamus Q'd siue ip'i sic citati dictis die, hor. et Loco coram nobis comparuerint, et contra dictam electionem, forma. eiusdem, p'sonamue in hac parte electam, objicere, excipere vel opponere curauerint siue non, Nos nihilominus in d'co 1030
negocio, (iuxta Iuris et Statutorum in ea parte editorum exigentiam) procedemus, et procedere intendimus, ip'orum sic citatoru. et non comparen. ab'ia siue contumacia in aliquo non obstan. Et quid in premissis feceritis Nos dictis die, hor. et loco debite certificetis seu sic certificet ille v'rum qui p'ns n'rum Mandatum fuerit executus prout decet. In cuius Rei Testimoniu. Sigillu. venerabiliu. virorum

[g] [This word is wrongly omitted in the folio edition of Bramhall's Works.]

[h] [Misprinted "*a*pponere" in the same edition.]

D'nor. decani et Cap't'li eccl'ie cath'. et Metropolitice Xpi. Cantur. quo in p'nte vacatione vtuntur, p'ntibus affigi rogauimus. Dat. Londini sexto die mensis Decembris Anno d'ni Mill'imo, Quingen°[i].

NONO DIE mensis decembris Anno d'ni Mill'imo, Quingen°, quinquagesimo, nono in eccl'ia p'ochiali beate Marie de Archubus London, eccl'ie Xpi. Cant. Jurisdictionis immediate coram commissarijs regijs retrono'i'atis, comparuit p'sonal'r Thomas Willet[j] notarius pu^cus mandatarius in hac parte l'time deputatus, et certificauit se septimo die mensis Decembris jam currentis executum fuisse p'ns mandatum in eccl'ia p'ochiali de Archubus predict. iuxta forma. inferius descript. Super quibus fecit fidem.

Prima Schedula lecta contra opositores.

IN DEI NO'I'E AMEN Nos Will'mus quondam Bathon. et Wellen. e'pus, nu'c electus Cicestren., Ioh'es Scory quondam Cicestren. e'pus, nu'c Hereforden. electus, Milo Coverdale quondam Exon. e'pus, et Io'annes Bedforden. e'pus, Serenissime in Xpo. Principis et d'ne n're, d'ne Elizabethe Dei gr'a Anglie, ffrancie, et Hibernie Regine fidei defens. &c. median. l'ris suis Regijs Commissionalibus paten. ad Infrascripta Commissarij cum hac clausula viz. vnacu. d'nis Ioh'e Thetforden. Suffraganeo et Ioh'e Bale Osseren. e'po, et etiam hac clausula, Quatenus vos aut ad minus Quatuor v'rum &c. Necnon et hac adiectione Supplentes nihilominus &c. Special'r et l'time deputati In negocio Confirmationis electionis de p'sona venerabilis et eximij viri mag'ri Matthei Parker sacre Theologie Professoris in Archie'pum Cantuar. electi, facte et celebrate rite et l'time procedentes, Omnes et sing'los Oppositores, Qui contra d'cam electionem, forma. eiusdem, aut p'sonam electam dicere, excipere vel opponere voluerint, ad comparend. coram nobis istis Die, hor. et loco (Si sua putauerint interesse) contra d'cam electionem, forma. eiusdem aut p'sonam electam in debita Iuris forma dictur. exceptur. et propositur., l'time et peremptorie citatos sepius pu^ce preconizatos, diuq; et sufficienter expectatos, et nullo modo comparentes, ad petic'o'em procu'ris *et*[k] Decani et Cap't'li Cant. pronu'ciamus contumaces, ac ip'is et eorum cuilibet in penam Contumaciaru. suarum h'mo'i, viam vlterius opponendi contra d'cam electione., forma. eiusdem, aut p'sonam sic electam h'mo'i precludimus in hijs Scriptis ac etiam decernimus ad vlteriora in dicto Confirmationis negocio procedend. fore iuxta Iuris et Statutorum huius Regni Anglie exigentia., Ip'orum Contumac. in aliquo non obstan.

[i] ["lix°." added by another hand in the margin, the line ending with "quingen°."]

[j] [Ordained deacon by Grindall Jan. 14, 1559-60, Priest and prebendary of Ely 1560, Rector of Barley in Hertfordshire from April 1571, until his death in April 1598 (Newcourt, vol. i. p. 800, — Bentham, Hist. of Ely Cathedr., p. 253).]

[k] [Scored through with same ink.]

PART I. APPENDIX. Summaria petitio.

IN DEI NO'I'E AMEN coram vobis Reuerendis in Xpo. p'ribus et d'nis, D'nis Will'mo nuper Bathon. et Wellen. e'po, nunc 1031
electo Cicestren., Ioh'e Scory quondam Cicestren. e'po, nunc electo Hereforden., Milone Coverdale quonda. Exon. e'po et Ioh'e Bedforden. e'po, Serenissime in Xpo. Principis et d'ne n're, d'ne Elizabethe dei gr'a Anglie, ffrancie, et Hibernie Regine, fidei defens. &c. median. l'ris suis regijs Commissionalibus paten. ad Infrascripta Commissarijs, cum hac clausula, viz. vnacu. d'nis Ioh'e Thetforden. Suffraganeo, et Ioh'e Bale Osseren. e'po, et etiam hac clausula, Quatenus vos, aut ad minus Quatuor v'rum &c. necnon et hac adiectione, Supplentes nihilominus &c., Special'r et l'time deputatis, pars venerabilium virorum decani et Cap't'li eccl'ie cath'is et Metropolitice Xpi. Cantuar. dicit, allegat, et in hijs Scriptis ad omnem Iuris effectum exinde sequi valentem, per via. Summarie peticionis in Iure proponit, artic'latim prout sequitur.

[1.] IMPRIMIS viz. Q'd Sedes Archie'palis eccl'ie cath. et Metropolitice Xpi. Cantuar. predicte, per Obitum bone memorie d'ni Reginaldi Cardinalis Poli nu'cupati vltimi Archie'pi Cantuarien. nuper vacare cepit, et aliquandiu vacauit[1], pastorisq; Solatio caruit, hocq; fuit et est veru., pu^{cu}., notoriu., manifestum, pariter et famosum, et ponit, co^{m} di^{m} ac de quolibet.

[2.] ITEM Q'd d'ca Sede Archie'pali Cantuarien. (vt premittitur) dudu. vacan., ac corpore d'ci d'ni Reginaldi Pole eccl'iastice tradito sepulture, Decanus et cap't'lm. eccl'ie cath'is et Metropolitice ante-d'ce cap't'lariter congregat. et Cap't'lm. facientes, (L'nia Regia primitus ad id petita et obtenta) certu. diem, ac domu. sua. Cap't'larem Cantuarien., ad electionem futuri Archie'pi Cantuarien. celebrand. vnanimiter et concorditer prefixerunt, ac omnes et sing'los eiusdem eccl'ie Canonicos et Prebendarios Ius, voces aut interesse in eadem electione habentes vel habere pretendentes, ad diem et Locum predict. in h'mo'i electionis negocio processur. et procedi visur. l'time et peremptorie citari fecerunt hocq; fuit et est verum, pu^{cu}. &c. et ponit vt supra.

[3.] ITEM Q'd prefati decanus et Cap't'lm die, et loco prefixis viz. primo die mensis Augusti vltimo preterit. cap't'lariter congregati et plenu. Cap't'lm. facientes, Seruatis primitus per eos de Iure, et d'ce eccl'ie Consuetudine Seruandis, vnanimiter et concorditer nullo eorum contradicente, ad electionem futuri Archie'pi eccl'ie memorate per viam seu forma. Compromissi procedend. fore decreuerunt, illamq; via. seu forma. vnanimiter assumpserunt, et elegerunt, Necnon in venerabilem virum mag'rum Nicholau. Wotton^{m}, vtriusq;

[1] [Pole died Nov. 17 or 18, 1558; see above p. 71, note x.]

[m] [Nich. Wotton was Dean both of Canterbury and York, and Privy Coun-

Iuris Doctorem d'ce eccl'ie cath. et Metropolitice Xpi. Cant. decanu., sub certis in processu ciusdem electionis expressatis Legibus et Condicionibus compromiserunt, promitten. se illum acceptatur. in eorum et
1032 d'ce eccl'ie Archie'pm., Quem d'cus Compromissarius sub Legibus et Conditionibus pred'cis, duxerit elegend. et prouidend. Et ponit vt supra.

[4.] ITEM Q'd dictus Compromissarius onus Compromissi h'mo'i in se acceptans, matura deliberatione apud se habita, Votum suu. in venerabilem et eximiu. virum mag'rum Mattheum Parker sacre Theologie Professorem direxit, Ip'umq; in Archie'pum et pastore. eccl'ie cath'is et Metropolitice Xpi. Cant. predicte iuxta et secundu. p'tatem sibi in ea parte concessam et Compromissionem pred'cam elegit, et eccl'ie memorate de eodem prouidebat. Et ponit vt supra.

[5.] ITEM Q'd omnes et singuli d'ce eccl'ie Canonici et Prebendarij in domo Cap't'lari predict. tunc p'ntes plenu. Cap't'lm. constituentes, electionem per eundem mag'rum Nicholaum Wotton, Compromissarium ạnted'cum (vt premittitur) factam acceptarunt et approbarunt, ac rat. et grat. habuerunt pariter et accept. Et ponit vt supra.

[6.] ITEM Q'd electio h'mo'i et p'sona electa die prenotato in eccl'ia Metropolitica Xpi. Cantuar. predict. coram Clero et populo tunc in Multitudine copiosa ib'm congregat. debite publicat. et declarat. fuerunt, Et ponit vt supra.

[7.] ITEM q'd d'cus Reuerendissimus d'ns. electus, h'mo'i electioni de se et p'sona sua (vt premittitur) facte et celebrate ad humilem petic'o'em eorundem decani et Cap't'li consentijt, debitis Loco et Tempore requisitus, ac Consensu. et Assensu. suos eidem prebuit in Scriptis per eum lectis. Et ponit vt supra.

[8.] ITEM Q'd prefatus mag'r Mattheus Parker, fuit et est vir prouidus et discretus, l'rarum Sacraru. eminente Scientia, vita et moribus merito commendatus, liber et de l'timo m'rimonio procreatus, atq; in etate l'tima et in ordine Sacerdotali constitutus, necnon deo deuotus et eccl'ie memorate apprime n'cc'rius, ac d'ce d'ne n're Regine, Regnoq; suo et Reipublice fidelis et vtilis. Et ponit vt supra.

[9.] ITEM Q'd prefati Decanus et Cap't'lm., h'mo'i electionem et p'sona. electam prefate Serenissime[n] d'ne n're Regine per l'ras suas

sellor, in the reigns of Henry VIII., Edw. VI., Mary, and Elizabeth, and a person of considerable eminence under each (see Battely, Antiq. of Cant., the Second Part, Pt. iii. c. 8—Le Neve—Walton's Life of Sir H. Wotton, in Wordsw., Eccl. Biogr., vol. iv. pp. 68, 69). He returned from an embassy to France shortly after May 30, 1559 (see Forbes, pp. 112—114), and went as ambassador to Scotland in June 1560 (Haynes, State Papers, pp. 324, 325); and died in 1566 (Epitaph in Holinshead, p. 1403). The Abpric. of Canterbury was offered to him in 1559 by Qu. Elizabeth, according to Holinshead (ibid.), probably during Parker's refusal to accept it. It is said to have been offered to Abbot Feckenham also at the same time (Wood, Ath. Oxon., vol. ii. p. 508. ed. Bliss).]

[n] [First i interlined in original hand. "Co'i" in next line=communi.]

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patentes Sigillo eorum co'i et Cap't'lari roboratas pro Officij sui debito, iuxta Statutu. huius Regni Anglie, significarunt, et intimarunt, Et ponit vt supra.

[10.] ITEM Q'd p'ntato pro parte decani et Cap't'li antedict. eidem Regie Sublimitati processu, electionis h'mo'i, eadem Benignissima d'na n'ra Regina, pro sua Clementia regia, h'mo'i electioni de p'sona prefati venerabilis viri mag'ri Matthei Parker (vt premittitur) facte et celebrate, Consensum et Assensu. suos Regios gratiose adhibuit et adhibet, illamq; gratam habet, Hocq; fuit et est &c. Et ponit vt supra.

[11.] ITEM Q'd d'ca Serenissima d'na n'ra Regina vobis Reuerendis p'ribus anted'cis de Assensu et Consensu suis Regijs, h'mo'i electioni (vt premittitur) adhibitis per l'ras suas patentes vobis inscriptas et direct. non solu. significauit, verumetiam earundem l'rarum suarum paten. Serie vobis rogando mandauit, Quatenus vos electionem 1033
pred'cam et eundem electum confirmare, ip'umq; e'palibus Insignijs insignire, et decorare, Ceteraq; peragere que v'ris in hac parte incumbunt Officijs pastoralibus iuxta forma.Statuti in ea parte editi et prouisi et l'rarum patentium h'mo'i velitis cum fauore. Et ponit vt supra.

[12.] ITEM Q'd premissa omnia et sing'la fuerunt et sunt vera, pu^{ca}, notoria, manifesta, pariter et famosa, atq; de et super eisdem laborarunt et in p'nti laborant pu^{ca} vox et fama, vnde facta fide de Iure in hac parte requisita, ad quam faciend. offert se pars dictorum Decani et Cap't'li prompt. et parat. pro Loco et Tempore congruis et oportunis, petit eadem pars prefatam electionem et p'sonam electam confirmand. fore decerni, et cum effectu confirmari, iuxta Iuris et Statutorum huius Regni Anglie exigentiam, necnon et l'rarum regiarum Commissionalium patentium predict. vobis in hac parte direct. Seriem, Curamq; Regimen, et Administrationem Archie'patus Cantuar. eidem electo committi, Ip'umq; in realem, actualem, et corporalem possessionem d'ci Archie'patus Cantuar. Iuriumq; honorum, dignitatu., preeminen. et pertinen. suorum vniuersorum inducend. et intronizand. fore decerni, vlteriusq; fieri et statui in premissis ad ea concernen. quibuscunq; quod Iuris fuerit et Rationis, Supplendo defectus quoscunq; in hac parte interuenien. iuxta facultatem vobis concessam, Que proponit et fieri petit pars ista proponens co^{m} et di^{m} non arctand. se ad omnia et sing'la premissa proband., nec ad onus Superflue probationis de quo protestatur, Sed quatenus probauerit in premissis, eatenus obtineat in petitis, Iuris Beneficio et d'ce d'ne n're Regine gr'a Speciali in omnibus[o] semp'. saluis. V'rum Officium d'ni Iudices antedict. humil'r implorand.

[o] [The words "In omnibus" are by mistake repeated in the folio edition of Bramhall's Works.]

EXCELLENTISSIME SERENISSIME, et Inuictissime in Xpo. Principi, et d'ne n're, d'ne Elizabethe Dei gr'a Anglie, ffrancie, et Hibernie Regine, fidei defens. &c., Vestri humiles et deuoti Subditi Nicholaus Wotton vtriusq; Iuris Doctor, decanus eccl'ie cath. et Metropolitice Xpi. Cantuarien., et eiusdem eccl'ie Cap't'lm., omnimodas ob'iam, fidem, et Subiectionem, gra'm perpetuam et felicitatem in eo per quem reges regnant et principes dominantur. AD vestre Serenissime Regie Maiestatis Noticia. deducimus et deduci volumus per p'ntes Q'd vacante nuper Sede Archie'pali Cantuarien. predict. per obitum bone memorie R'^mi^ in Xpo. p'ris et d'ni, d'ni Reginaldi Pole Cardinalis, vltimi et immediati Archiepresulis et pastoris eiusdem, Nos decanus et Cap't'lm. antedict. habita prius L'nia v're excellentissime Maiestatis, ne eadem eccl'ia cath'is et Metropolitica per sua. diutina. vacationem grauia pateretur Incommoda, ad electionem futuri Archie'pi et pastoris eiusdem procedere volentes, vicesimo secundo die mensis Iulij vltimi preterit. in domo n'ra Cap't'lari eccl'ie memorate
1034 cap't'lariter congregati et Cap't'lm. ib'm facientes diem Martis viz. primu. Diem p'ntis mensis Augusti, ac hor. nona. et decimam ante meridiem eiusdem diei, ac domu. Cap't'larem predict. cum Continuatione et prorogatione Dierum et hor. extunc sequen. et Locorum (si oporteat) in ea parte fiend., nobismetip'is tunc ib'm p'ntibus, et alijs eiusdem eccl'ie Canonicis et prebendarijs absentibus, Ius, voces, aut Interesse in electione futuri Archie'pi eccl'ie memorate habentibus seu habere pretendentibus ad electionem futuri Archie'pi et pastoris prefate eccl'ie (diuina fauente Clementia) celebrand. pro Termino et Loco competen. prefiximus et assignauimus, Ad quos quidem diem hor. et domu, Cap't'larem an'dict. omnes et sing'los Canonicos pred'ce eccl'ie Ius, voces, aut Interesse in h'mo'i electione et electionis negocio habentes in Specie, ceterosq; omnes alios et sing'los (Si qui essent) qui de Iure seu Consuetudine in hac parte Ius et interesse habere pretenderent in genere, ad procedend. et procedi vidend. nobiscum in eodem electionis negocio, ac in omnibus et sing'lis Actis vsq; ad finalem expedic'o'em eiusdem, iuxta morem antiquu. et laudabile. Consuetudine. eccl'ie pred'ce in hac parte ab Antiquo vsitat. et inconcusse observat. l'time[p] et peremptorie, citandos, et euocandos, et monendos fore decreuimus, et in ea parte l'ras Citatorias fieri in forma efficaci valida, et assueta, fecimus, Nec non p'tatem et Mandatum dil'co nobis in Xpo. Nicholao Simpson[q] in ea parte commisimus, Cum intimatione, Quod siue ip'i sic citati in h'mo'i electionis negocio die hor. et Loco pred'cis compa-

[p] [Wrongly printed "legitima" in the fol. edit. of Bramhall's Works.]

[q] [Mr. Simpson, probably the person here mentioned, was chaplain to Parker and present as such at his funeral (Strype, Parker, bk. iv. c. 44).]

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ruerint siue non, Nos nihilominus in eodem negocio procederemus et procedere intenderemus, ip'orum citatorum ab'ia siue Contumacia in aliquo non obstan. QUO quidem die Martis[r] viz. primo die mensis Augusti aduenient̃e, inter horas prius assignatas, Nos decanus et Cap't'lm. an'dict. (Campana ad Cap't'lm. celebrand. primitus pulsata) domum Cap't'larem eccl'ie cath'is pred'ce ingressi et Cap't'lm. ib'm celebrantes, in Dilecti nobis in Xpo. Iohannis Incent Notarij pu^ci ac Testium inferius no'i'atorum p'ntijs, L'niam v're Serenissime Regie Mat^is supradict., Necnon l'ras Citatorias de quibus supra fit Mentio, vnacu. Certificatorio super executione earundem per Nicholau. Simpson Mandatarium n'rum an'd'cum, coram nobis tunc et ib'm introductas et exhibitas pu^ce perlegi fecimus, Quarum quidem L'nie, l'rarum Citatoriarum, et Certificatorij Tenores de verbo ad verbum sequuntur et sunt tales,—ELIZABETH Dei gr'a Anglie, ffrancie, et Hibernie Regina^s, ffidei Defens. etc. Dilectis nobis in Xpo. Decano et Cap't'lo eccl'ie Metropolitice Cantuar. Salutem. Ex parte v'ra nobis est humil'r Supplicatum, Vt cum eccl'ia predicta, per mortem naturalem Reuerendissimi in Xpo. patris et d'ni, d'ni Reginaldi Pole, Cardinalis vltimi Archie'pi eiusdem iam vacat, et pastoris sit Solatio destituta, alium vobis eligend. in Archie'pum et pastorem, L'niam n'ram fundatoriam, vobis concedere dignaremur, Nos precibus v'ris in hac parte fauorabil'r inclinati, L'niam illam vobis duximus concedend., Rogantes, Q'd talem vobis eligatis in Archie'pum et pastorem qui deo deuotus 1035
nobisq; et Regno n'ro vtilis et fidelis existat. In cuius Rei Testimonium has l'ras *n'ras*[t] fieri fecimus patentes, Teste meip'a apud Westm. decimo octauo die Iulij, Anno Regni n'ri primo[u]. NICHOLAUS WOTTON vtriusq; Iuris Doctor, decanus eccl'ie cath'is et Metropolitice Xpi. Cant. et eiusdem eccl'ie Cap't'lm., Dilecto nobis in Xpo. Nicholao Simpson cl'ico Sal'tm. Cum Sedes Archie'palis Cantur. predict. per obitum Reuerendissimi in Xpo. p'ris et d'ni, d'ni Reginaldi Pole Cardinalis vltimi Archie'pi eiusdem iam vacat, et Archiepresulis siue Pastoris Solatio destituta existit, Nos decanus et Cap't'lm. predict. in Domo Cap't'lari eccl'ie anted'ce die subscript. atq; ad effectum infrascriptum, (L'nia Regia primitus habita et obtenta) Cap't'lariter congregati et Cap't'lm facien., ne Archie'patus predict. sue vacationis diutius deploraret Incommoda, nobismetip'is pro tunc p'ntibus, Ac omnibus alijs Canonicis eiusdem eccl'ie tunc absentibus, Ius et voces in electione futuri Archie'pi

[r] [The words "die Martis" are omitted by mistake in the folio edition of Bramhall's Works. Aug. 1, 1559 fell on a Tuesday.]

[s] [Misprinted "Regine" in the fol. edit. of Bramhall's Works.]

[t] [Interlined in the third hand above mentioned.]

[u] [Rymer, tom. xv. p. 536; and above c. v. p. 71.]

eiusdem eccl'ie habentibus, diem Martis viz. primum Diem prox. sequentis Mensis Augusti ac hor. nonam et decimam ante meridiem eiusdem diei, et domum Cap't'larem predict. cum Continuatione et prorogatione dierum et horarum extunc sequen. (Si oporteat) in ea parte fienda, ad electionem futuri Archie'pi prefate eccl'ie (deo fauente) celebrand. pro Termino et Loco competen. prefiximus et assignauimus, Necnon ad diem, hor. et locum predict. omnes et sing'los ip'ius eccl'ie cath'is et Metropolitice Xpi. Cantuar. Canonicos et prebendarios tam p'ntes quam ab'entes Ius et voces in h'mo'i electione et electionis negocio h'entes, ad faciend. exercend. et expediend. omnia et Sing'la que circa electionem h'mo'i in ea parte n'cc'ria fuerint, seu de Iure aut Consuetudine eccl'ie pred'ce vel huius incliti Regni Anglie Statutis q'mo'l't requisita, vsq; ad finalem eiusdem negotij expedic'o'em inclusiue, per Citation. l'ras siue Schedulas in Stallis Prebendarum suar. iuxta morem preteriti Temporis ac Statuta et laudabiles Consuetudines eccl'ie pred'ce hactenus ab antiquo in ea parte vsitat. et observat. affigend., et ib'm dimittend. peremptorie citandos et monendos fore decreuimus Iusticia mediante, Tibi ig'r committimus et mandamus Tenore p'ntium, Quatenus cites seu citari facias peremptorie omnes et Sing'los prefate eccl'ie cath'is et Metropolitice Xpi. Cant. Canonicos prebendatos in Stallis eorum in Choro eiusdem eccl'ie (Citation. l'ris et Schedulis in ip'is Stallis pu^{ce} affixis et ib'm dimissis) Quos nos etiam Tenore p'ntium sic citamus, Q'd compareant et eoru. Quilibet compareat, coram nobis pred'co primo die mensis Augusti, in Domo Cap't'lari pred'ca, et inter hor. nonam et decima. ante meridiem eiusdem Diei[x], cum Continuatione et prorogatione Dierum et horarum extunc Sequentium (Si oporteat) in ea parte fiend. in prefate electionis negocio, et in sing'lis Actis eiusdem, vsq; ad finalem d'ci Negocij expedic'o'em
1036 inclusiue fiend., l'time processur. et procedi visur. Ceteraq; omnia et sing'la alia factur. subitur. et auditur. que h'mo'i electionis negocij Natura et Qualitas, de se exigunt et requirunt, Intimando nihilominus citatis pred'cis omnibus et Sing'lis harum Serie, Q'd siue ip'i iuxta effectum Citationis h'mo'i die, hor. et loco pred'cis nobiscum comparuerint siue non, Nos tamen eisdem die hor. et loco in dict. electionis negocio, vsq; ad finalem expedic'o'em eiusdem inclusiue procedemus, prout de Iure et Consuetudine fuerit, procedend., eorum sic citatorum absentijs siue Contumacijs in aliquo non obstan. Et quid in premissis feceritis, Nos dictis die hor. et loco debite certificare cures vnacu. p'ntibus. Dat. in Domo n'ra Cap't'lari vicesimo secundo die mensis Iulij Anno d'ni Mill'imo, Quingen^{o}, Quinquagesimo Nono. VENERABILIBUS et eximijs viris mag'ris Nicholao Wotton utriusq;

[x] [The first i in "diei" is interlined in the original handwriting.]

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Iuris Doctori, decano eccl'ie cath' et Metropolitice Xpi. Cantuarien. et eiusdem eccl'ie Cap't'lo, Vester humilis et deuotus, Nicholaus Simpson cl'icus, vester ad Infrascripta Mandatarius rite et l'time deputatus, omni'odas Reueren. et ob'iam. cum obsequij exhibitione, tantis viris debit. Mandatum v'rum Reuerendum p'ntibus annex. xxij° die mensis Iulij vltimi preteriti humil'r. recepi exequend., Cuius auc'te et vigore, d'co xxij° die Iulij per affixionem d'ci v'ri Mandati in Stallo v'ri prefati d'ni decani infra Chorum eiusdem eccl'ie cath'is et Metropolitice, atq; per affixionem Citationum Schedularu. in sing'lis Stallis Canonicorum et prebendariorum d'ce eccl'ie iuxta vim, forma. et effectum Mandati v'ri Citatorij h'mo'i pu^ce affixarum, et ib'm dimissarum omnes et sing'los Canonicos Prebendas in d'ca eccl'ia obtinentes, in electione futuri Archie'pi eiusdem eccl'ie, Ius, voces, et Interesse h'entes, aut habere pretendentes p'emptorie citari feci, Q'd comparerent[y] et eorum Quilibet compareret coram vobis, die, hor. et Loco in Mandato v'ro Reuerendo predicto specificatis vnacum Continuatione et prorogatione dierum et horaru. (Si oporteat) extunc sequen., vobiscum tunc et ib'm in h'mo'i electione et electionis negocio iuxta Iuris exigentiam et d'ce eccl'ie cath'is Consuetudines processur. et procedi visur. vsq; ad finalem expeditionem eiusd. inclusiue, Vlteriusq; factur. in ea parte quod Tenor et eff'cus d'ci v'ri Mandati de se exigunt et requirunt, Intimando insuper, et intimari feci, eisdem sic citatis, Q'd siue ip'i dictis die, hor. et loco vobiscum comparuerint siue non, Vos nihilominus eisdem die, hor. et loco cum Continuatione, et prorogatione dierum et horaru. h'mo'i, extunc sequen., iuxta Iuris Exigentiam et preteriti Temporis Obseruantia. in h'mo'i electionis negocio procedere intenditis, ip'orum Citatorum Contumacia ab'iaq; siue Negligentia in aliquo non obstan. Et sic Mandatu. v'rum pred'cum in forma mihi demandata, debite exequi feci et causaui. No'i'a vero et cogno'i'a pred'corum Canonicorum (vt premittitur) citatorum inferius describuntur, In cuius Rei Testimonium Sigillum venerabilis viri Officialis d'ni Arch'ni Cant. p'ntibus apponi procuraui. Et nos Officialis antedictus ad Sp'ialem Rogatum d'ci Certificantis Sigillu. n'rum h'mo'i p'ntibus apposuimus: dat. quoad Sigilli Appensionem primo die mensis Augusti Anno d'ni Mill'imo Quingen°, Quinquagesimo, Nono. Mr. Ioh'es Milles[z],

[y] [Misprinted "compareat" in the folio edit. of Bramhall's Works.]

[z] [John Mills alias Warham held the tenth Prebend by the charter of erection of the Chapter from 1542 until 1564, having been previously one of the Monks of the Priory (Battely, Antiq. of Canterb., The second Part, Pt. iii. c. 8; —Le Neve;—Extracts from Reg. Cant., in C.C.C.C. MSS. vol. 349. p. 201). The names seem to be mentioned according to seniority of installation (as far as the dates are given), which is the rule followed in this Choir (Le Neve). It will be observed also, that amongst the prebendaries who did not appear, were all those appointed by Qu. Mary except one, Darrell. First Prebend vacant: —

Mr. Arthurus Sentleger[a], Mr. Hugo Turnebull[b], Mr. Richardus ffawcet[c], Mr. Rad'us Jackson[d], Mr. Robertus Collins[e], Mr. Ioh'es Knight[f], Mr. Will'mus Darrell[g], Mr. Thomas Wood[h], Mr. Nicholaus Harpesfeld[i], Mr. Ioh'es Butler[j]. QUIBUS omnibus et Sing'lis premissis sic gestis et expeditis, omnibusq; et Sing'lis pred'ce eccl'ie Canonicis, Ius et voces in h'mo'i electione et electionis negocio habentibus seu habere pretendentibus l'time et peremptorie ad eosdem diem, hor. et Locum citatis ad foras d'ce Domus Cap't'laris pu^ce^ preconizatis Comparentibus p'sonal'r vna nobiscum d'co decano, mag'ris Ioh'e Milles, Arthuro Sentleger, Will'mo Darrell, et Ioh'e Butler, prefate eccl'ie cath. et Metropolitice Xpi. Cantuar. Canonicis et Prebendarijs Nos decanus et Cap't'lm. antedict. sic cap't'lariter congregat. preno'i'atum Ioh'em Incent Notarium publicum in Actorum Scribam electionis pred'ce assumpsimus, Necnon mag'rum Io-

George Lilliye, admitted March 13, 1557-8, died before July 29, 1559 (Reg. Cant., as before quoted,—Newcourt,—Wood, Athen. Oxon.); Theod. Newton admitted 1 Eliz. i. e. before Nov. 17, 1559 (Reg. Cant. as before quoted).]

[a] [Probably of the family of Sir Anthony Sentleger, Deputy in Ireland in the time of Henry VIII., during his stay with whom he had a licence for non-residence on his canonry 38 Hen. VIII. (Battely, ibid.); admitted canon of second prebend by the charter of erection in 1542 (Le Neve); still canon in 1560 (Strype, Parker, bk. ii. c. 2).]

[b] [Presented to the ninth prebend March 30, an. 1. Mar. 1. i. e. 1553-4 (Battely, ibid.), but according to Rymer April 2 in the same year (tom. xv. p. 382. —Le Neve); and held it until 1566 (Reg. Cant. as before). See Tanner.]

[c] [Admitted to the twelfth prebend March 23, 1553-4, and confirmed April 2, 1554 (Rymer, tom. xv. p. 382.—Battely, ibid.—Le Neve). Henr. Goodericke admitted July 10, 1560, per depriv. Rich. Fawcet (Reg. Cant. as before).]

[d] [Succeeded Tho. Willoughbye in the fifth prebend in 1 Mary (Reg. Cant. as before). Tho. Willoughbye (afterwards Dean of Rochester), restored (ibid.) before autumn 1560 (Strype, Parker, bk. ii. c. 2). See Wood, Ath. Oxon. and Fasti. Le Neve and Battely appear to be in error about this prebend.]

[e] [Admitted canon in the sixth prebend April 12, 1554 (Battely, ibid.), having been nominated April 2 (Le Neve;—Rymer, tom. xv. p. 382). Alex. Nowel admitted Feb. 14, 1559-60, per depriv. R. Collins (Reg. Cant. as before).]

[f] [Canon of the eighth prebend in the time of Qu. Mary, but removed on Qu. Elizabeth's accession, to make way for Alexander restored (Battely, —Le Neve). Peter Alexander of Arles was restored to his prebend between May 1st and May 22nd, 1560 (Zurich Letters, p. 79; see Strype, Memor. II. i. 321).]

[g] [W. Darrell, or Dorell, admitted canon of third prebend April 2, 1554 (Rymer, tom. xv. p. 382,—Le Neve,—Battely); still canon in 1560 (Strype, Parker, bk. ii. c. 2).]

[h] [Thomas Wood, S. T. B. (misprinted *Ward* by Le Neve) was presented to the eleventh prebend April 2, 1554 (Rymer, tom. xv. p. 381;—Battely). John Bale admitted Feb. 10, 1559-60 per depriv. Tho. Wood (Reg. Cant. as before).]

[i] [Collated to the fourth prebend Nov. 10, 1558 (Reg. Cant. as before), having been Archdeacon of Canterbury since March 31, 1554; deprived in 1559, and detained in prison until his death in 1583; during which interval he composed his well-known Ch. Hist. of Engl. (printed afterwards at Douay), partly by the assistance of Abp. Parker (Wood, Athen. Oxon.,—Battely, ibid. and c. 4;—Le Neve); Dean of the Arches 1554 (Reg. Pole, ap. Wood, ed. Bliss). Thos. Beacon admitted before autumn 1560 (Strype, Parker, bk. ii. c. 2) to Harpesfield's prebend (Battely).]

[j] [Second canon from the erection of the Chapter, in the seventh prebend (Le Neve—Battely, ibid.); still prebendary in 1560 (Strype, Parker, bk. ii. c. 2).]

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h'em Armerar[k] cl'icum et Gilbertum Hide[l] gener. in Testes eiusdem electionis negocij et agendorum in eodem p'sonal'r tunc p'ntes elegimus, et eos rogauimus nobiscum ib'm remanere. Et mox Nos Nicholaus Wotton decanus an'dict. de Consensu d'corum Canonicoru. et Prebendariorum predict. tunc p'ntium in h'mo'i electionis negocio procedentes, omnes et sing'los alios Canonicos et Prebendarios, ad eosdem Diem, hor. et locu. citatos, pu^ce^ alta voce ut supra preconizatos, diu expectatos, et nullo modo comparentes pronunciauimus Contumaces, et in pena. Contumaciaru. suarum h'mo'i, ad vlteriora in d'co electionis negocio procedend. fore decreuimus, eorum ab'ia siue Contumacia in aliquo non obstante—in Scriptis per nos sub h'mo'i verborum tenore lectis. IN DEI NO'I'E AMEN Nos Nicholaus Wotton vtriusq; Iuris Doctor, decanus eccl'ie cath'is et Metropolitice Xpi. Cantuarien. de vnanimi Assensu et Consensu Cap't'li eiusdem eccl'ie omnes et sing'los Canonicos et Prebendarios eccl'ie memorate ad hos diem et locum ad procedend. in negocio electionis futuri Archie'pi et pastoris eccl'ie cath. predicte iuxta morem preteriti Temporis in eadem eccl'ia vsitat. et observat., l'time et peremptorie citatos, pu^ce^ preconizatos diu viz. in hor. locum et Tempus rite assignat. expectatos, et nullo modo comparentes pronunciamus Contumaces, et in pena. Contumaciarum suarum h'mo'i et eorum cuiuslibet decernimus Jus et p'atem procedend. in h'mo'i electionis negocio ad alios Canonicos comparentes spectare et pertinere, et ad vlteriora in eodem electionis negocio procedend. fore ip'orum citatorum et non Comparentium ab'ia siue Contumacia in aliquo non obstante. HIJS EXPEDITIS Nos Nicholaus Wotton decanus antedictus de consimilibus consensu, assensu, et voluntate eorundem Canonicorum et Prebendariorum tunc p'ntium, quasdam Monitionem et protestationem in Scriptis simul redact. et concept. fecimus et pu^ce^ legebamus tunc et ib'm sub h'mo'i[m] sequitur verborum tenore. IN 1038
DEI NO'I'E AMEN Nos Nicholaus Wotton vtriusq; Iuris doctor, decanus eccl'ie cath. et Metropolitice Xpi. Cantuarien. vice n'ra, ac vice et no'i'e omniu. et Sing'lorum Canonicorum et Confratrum n'rorum hic jam p'ntium monemus omnes et Sing'los Suspensos, exco'icatos, et interdictos (Si qui forsan inter nos hic iam sint) qui de Iure seu Consuetudine aut quauis alia occasione, seu causa, in

[k] [John Armerar, clerk, was presented to the living of Ive-Church in Kent, vacant by the cession of Dr. Wotton, Dean of Canterbury, in 1555 (Battely, ibid. Pt. iii. c. 8. p. 122). He appears to be the same who was rector of St. Dionis-Back-Church in London from shortly after the year 1552 until his death in 1563, on the presentation of the Dean and Chapter of Canterbury (Newcourt, vol. i. p. 330).]

[l] [Gilbert Hide is mentioned elsewhere in Parker's Reg. (e. g. fol. 214. a, in the record of Freake's Consecration in 1571) as Registrar of the Dean and Chapter of Canterbury.]

[m] ["Ut" inserted in the folio edit. of Bramhall's Works.]

p'nti electionis negocio interesse non debent, Q'd de hac domo Cap't'lari statim iam recedant, ac nos et alios de p'nti Cap't'lo, ad quos Ius et p'tas[n] eligendi pertinet libere eligere permittant, protestando o'ibus via modo et Iuris forma melioribus et efficacioribus quibus melius et efficatius possumus et debemus no'i'e n'ro ac vice et no'i'e o'ium et sing'lorum Canonicorum, Prebendariorum, et confratrum n'rorum predict. hic iam p'ntium, Q'd non est n'ra nec eorum voluntas tales admittere tanq'; Ius, voces, et Interesse in h'mo'i electione habentes, aut procedere vel eligere cum eisdem, Immo volumus et volunt q'd voces Taliu. (Si que postmodu. reperiantur) quod absit, in h'mo'i electione interuenisse, nulli prestent auxiliu., nec afferant alicui nocumentum, Sed prorsus pro non receptis, et non habitis nullisq; et inualidis penitus et omnino habeantur et censeantur, Canonicos vero omnes p'ntes pro pleno Cap't'lo eccl'ie pred'ce habendos et censendos fore debere pronu'ciamus et declaramus in hiis Scriptis. CONSEQUENTER vero declarat. pu^ce^ per nos Nicholau. Wotton anted'cum decanu. Cap't'lo[o] (Quia propter diuersas &c.) Expositisq; per nos Tribus modis electionis, Cunctisq; Canonicis tunc p'ntibus pu^ce^ percontatis, secundu. quem modu. siue quam viam illarum trium in d'co Cap't'lo (Quia propter diuersas &c.) comprehensarum in h'mo'i electionis negocio procedere voluerint, Nos decanus et Cap't'lm. an'dict. de et super forma electionis h'mo'i, ac per quam viam siue forma. fuerit nobis procedend. ad electionem futuri Archie'pi eccl'ie cath'is et Metropolitice Xpi. Cantuarien. predict. diligenter tractauimus, et tandem nobis decano et Canonicis antedict. (vt prefertur) tunc ib'm p'ntibus, et Cap't'lm. in ea parte facien. visum est et placuit nobis decano, ac omnibus et sing'lis suprad'cis, nullo n'rum discrepante seu contradicente per viam seu formam Compromissi in h'mo'i electionis negocio procedere, ac tunc et ib'm in Venerabilem virum mag'rum Nicholau. Wotton decanu. anted'cum sub certis expressatis Legibus et Conditionibus, Ita q'd d'cus Compromissarius priusq'; e domo Cap't'lari predict. recederet, et antequam Cap't'lm. h'mo'i solueretur, vnum virum idoneum in Archie'pum et pastorem eccl'ie memorate eligeret compromisimus, Promittentes nos bona fide illum acceptatur. in n'rum et d'ce eccl'ie Archie'pum, quem ip'e Compromissarius sub modo et forma prenotatis duxerit eligend. et prouidend. HIISQ; in hunc modum dispositis, prefatus mag'r nicholaus

[n] [Misprinted "potestates" in the same edition.]

[o] [Decretal. Greg. IX., lib. i. tit. vi. De Elect. et Electi Potestate, c. 42; appointing that election of Bishops, &c., shall proceed either by way of "compromise" (as in Parker's case), or by "scrutiny," unless, thirdly, the electors shall agree in an unanimous and unpremeditated decision, as it were by "inspiration."]

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Wotton Compromissarius anted'cus, Onus Compromissi h'mo'i in se acceptans, Vota sua in Venerabilem virum mag'rum Mattheum 1039
Parker Sacre Theologie Professorem iuxta et secundu. p'tatem sibi in hac parte factam et concessam ac Compromissionem pred'cam direxit, Ip'umque in Archie'pum et pastorem eiusdem eccl'ie elegit, et eccl'ie pred'ce de eodem prouidebat, prout in Schedula Tenorem et forma. Compromissi electionis et prouisionis predict. continen., per eundem mag'rum Nicholau. Wotton pu^ce lect. (Cuius tenor de verbo in verbum sequitur) dilucidius continetur. IN DEI NO'I'E AMEN. Cum vacante nuper Sede Archie'pali Cantuar. per obitum bone memorie Reuerendissimi in Xpo. p'ris D'ni Reginaldi Pole Cardinalis vltimi Archie'pi et pastoris eiusdem vocatis et l'time premonitis ad electionem futuri Archiepresulis d'ce Sedis omnibus et Sing'lis, qui de Iure vel Consuetudine d'ce eccl'ie ad electionem h'mo'i fuerint euocandi ac omnibus qui debuerint aut potuerint h'mo'i electionis negocio commode interesse, in Domo Cap't'lari antefate eccl'ie, Termino ad d'cam electionem celebrand. prefixo et assignato, p'ntibus et cap't'lariter congregatis, placuerit Decano, omnibusq; et Sing'lis eiusdem eccl'ie Cap't'li nemine contradicente vel discrepante, per via. seu formam Compromissi, de futuro Sedis predict. Archie'po prouidere, ac mihi Nicholao Wotton eccl'ie cath'is et Metropolitice Xpi. Cantuar. predicte decano, Ius et vocem in h'mo'i electionis negocio habenti, Compromissario in hac parte special'r et l'time electo plenam et liberam dederint et concesserint, p'tatem, auc'tem, et mandatu. Speciale die isto antequam ab hac domo Cap't'lari recederem, ac recederent, et Cap't'lo durante, p'sona. habilem et idoneam in Archie'pum et pastorem d'ce eccl'ie[p] et eidem prouidendi prout ex Tenore dicti Compromissi manifeste liquet et apparet: Ego Nicholaus Wotton Decanus an'd'cus, Onus compromissi h'mo'i acceptans in venerabilem virum mag'rum Mattheum Parker, Sacre Theologie professorem vota mea dirigens, virum vtique prouidum et discretum, l'rarum Scientia, vita, et moribus merito[q] commendatu., liberu. et de l'timo m'rimonio procreatum, atq; in etate l'tima et ordine Sacerdotali constitutu., in Sp'ualibus et Temporalibus plurimu. circumspectum, scientem, volentem et valentem, Iura et Libertates d'ce eccl'ie tueri, et defendere, vice mei, viceq;, Loco, et no'i'e, totius Cap't'li eiusdem eccl'ie, pred'cum venerabilem virum, mag'rum Mattheu. Parker premissorum meritorum suorum intuitu in Archie'pum et pastorem eiusdem eccl'ie cath'is et Metropolitice Xpi Cantuar., infra Tempus mihi ad hoc datu. et

[p] [The word "eligendi," which is inserted here in the folio edit. of Bramhall's Works, and which the sense requires, is omitted in the original.]

[q] [Misprinted "meris" in the folio edit. of Bramhall's Works.]

assignatum eligo in communi, et eidem eccl'ie prouideo de eodem in hiis Scriptis: DEINDE Nos decanus, et Cap't'lm. antedict. prefatam electionem et p'sonam electam, vtpote rite factam, et celebratam obuijs vlnis amplexantes, ac eam, ratam, gratam, et firma. habentes, eundem mag'rum Mattheu. Parker, electum in Archie'pum et pastorem prefate eccl'ie, quatenus in nobis fuit, aut est acceptauimus, et electionem h'mo'i approbauimus. CONSEQUENTER vero, Nos
1040 decanus et Cap't'lm. antedict., prefato mag'ro Will'mo Darrell p'tatem dedimus et concessimus, electionem n'ram h'mo'i et p'sona. electam, Clero et populo pala. publicand. declarand. et manifestand. prout moris est, atq; in Similibus de vsu laudabili fieri assolet. POSTREMO vero Nos decanus et Cap't'lm. antedict. domu. n'ram Cap't'larem antedict. egredientes, et Chorum eccl'ie memorate intrantes, hymnu., Te deum laudamus, in Sermone Anglico per ministros Chori solemniter decantari fecimus, Quo p'acto, prefatus mag'r Will'mus Darrell iuxta p'tatem sibi elargitam ministris eiusdem eccl'ie ac plebi tunc coadunate, electionem n'ram h'mo'i et p'sona. electam verbo tenus publicauit, et[r] denunciauit, ac declarauit. QUE O'IA et sing'la Nos decanus et Cap't'lm. an'dict. pro officij n'ri debito v're Serenissime maiestati sub Serie in hoc processu inserta, duximus significand., Eidem ma^{ti} v're humil'r et obnixe supplicantes, Quatenus electioni n're h'mo'i sic (ut premittitur) facte, et celebrate, Consensu. et assensu. v'ros regios adhibere, et eandem confirmari facere et mandare dignetur v'ra excellentissima maiestas. Vt (deo optimo maximo Bonorum o'ium Largitore fauente et opitulante) d'cus electus et confirmatus nobis preesse valeat, vtiliter pariter et prodesse. Ac nos sub eo et eius Regimine bono possumus deo in d'ca eccl'ia militare. ET VT de premissoru. veritate, v're Clementissime Maiestati abunde constare possit, Nos Decanus et Cap't'lm. an'dict. p'ntem Electionis n're processum, Signo, Nomine, et Cognomine ac Subscriptione Notarij pu^{ci} subscripti signari et subscribi, n'riq; Sigilli co'is appensione, iussimus et fecimus communiri. Act. in Domo n'ra Cap't'lari predict. primo die mensis Augusti, Anno d'ni Mill'imo, Quingen^{o}, Quinquagesimo, Nono.

ET EGO JOH'ES INCENT Cantuarien. Dioc. publicus Suprema auc'te regia Notarius in p'nti Electionis negocio in Actorum Scribam assumptus et deputatus, Quia omnibus et Sing'lis actis eiusdem electionis dum sic (ut premittitur) sub anno D'ni, mense, die, hor. et Loco pred'cis agebantur et fiebant, vnacum Testibus de quibus in p'nti processu fit mentio, p'ns p'sonal'r interfui, eaq; omnia et Sing'la sic fieri, vidi, sciui, et audiui, atq; in notas sumpsi, Ideo hoc p'ns publicum electionis decretum, siue processum, manu mea

[r] [Omitted in the fol. edit. of Bramhall's Works.]

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propria fidel'r Scriptu. exinde confeci, Atq; in hanc publicam et auctenticam forma. redegi, Ac No'is et Cogno'is meorum adiectione subscripsi, necnon Signo meo solito et consueto signaui, vnacum appensione Sigilli Communis d'corum decani et Cap't'li, in fidem et Testimonium omniu. et Sing'lorum premissorum Rogatus special'r et requisitus.

Instrumentu. super Consensu D'ni electi.

IN DEI NO'I'E AMEN p'ntis pu^ci Instrumenti Serie, Cunctis evidenter appareat et sit notu., Q'd anno d'ni Mill'imo, Quingen^o, Quinquagesimo Nono, Mensis vero Augusti die sexto in quodam inferiori Cœnaculo infra Manerium Archie'pi Cantuarien. apud Lambehith winton. Dioc. notorie sit. et situat.[s] in meiq; Notarij 1041
pu^ci subscripti, ac Testium inferius no'i'atorum p'ntijs venerabiles et eximij viri, mag'ri Will'mus darrell, Cl'icus, Canonicus et Prebendarius eccl'ie cath'is et Metropolitice Xpi. Cantuarien., et Anthonius Huse Armiger, real'r exhibuerunt quoddam Procuratorium Sigillo communi et Cap't'lari (vt apparuit) venerabiliu. viroru. d'norum decani et Cap't'li eccl'ie cath'is et Metropolitice Xpi. Cant. predict. sigillat. eisdem mag'ris Will'mo et Anthonio, ac mihi Iohanni Incent Notario pu^co subscripto co^m et di^m fact. et se partem pro eisdem decano et Cap't'lo fecerunt, ac no'i'e Procu'rio eorundem p'ntarunt venerabili et eximio viro mag'ro Mattheo Parker sacre Theologie professori tunc et ib'm p'sonal'r p'nti processum electionis de ip'o et eius p'sona in Archie'pum et pastorem eccl'ie cath'is et Metropolitice Xpi. Cantur. predict. fact. et celebrat, in et sub formis Originalibus eiusdem, Eundemq; mag'rum Mattheum Parker instanter rogarunt et requiserunt, Quatenus eidem electioni de ip'o et eius p'sona (vt premittitur) facte et celebrate consentire dignaretur: d'co electo asserente, Q'd licet se tanto munere indignu. iudicaret[t], Tamen ne ip'e diuine voluntati resistere ac Serenissime d'ne n're Regine Beneplacite (que ip'um licet indignu. prefatis Decano et Cap't'lo commendare dignata est) minime obtemperare videretur, electioni h'mo'i consentiebat, ac Consensu. et Assensu. suos eidem prebuit in Scriptis per eum lectis Tenorem qui sequitur de verbo in verbum in se complecten.—IN DEI NO'I'E AMEN. Ego Mattheus Parker Sacre Theologie Professor, in ordine Sacerdotali, atq; in etate l'tima constitutus, ac in et de l'timo m'rimonio procreatus, in Archie'pum et pastorem eccl'ie cath'is et Metropolitice Xpi Cantur. rite et l'time no'i'atus et electus, Ad consentiend. h'mo'i[u]

[s] [It appears from this document that Holinshead *supports* instead of contradicting the Register by dating Parker's possession of Lambeth Palace in September 1559. See at the end of note f. p. 86, above. There is a letter of Parker's, signed "Yr. most humble orato^r—Matth. P.," and dated "at Lambheth," Aug. 27, (1559—see below p. 217, note a to Parker's name), in C.C.C.C. MSS., vol. 119. p. 110.]

[t] [That Parker was really reluctant to accept the Archbishopric, see Strype, Parker, bk. i. c. 8.]

[u] ["Ho'm'i" in MS.]

electioni de me et persona mea in hac parte facte et celebrate ex parte et per partem venerabilium virorum Decani et Cap't'li eiusdem eccl'ie cath'is et Metropolitice instanter rogatus et requisitus, dei O'ipotentis Clementia fretus, electioni h'mo'i de me et p'sona mea sic (vt premittitur) facte et celebrate, ad honorem Dei omnipotentis p'ris, filij, et Spiritus sancti consentio, eidemq; Consensu. et Assensu. meos semel atq; iterum Rogatus et interpellatus prebeo in hijs Scriptis. SUPER quibus omnibus et Sing'lis premissis tam ip'e electus quam preno'i'ati mag'ri Will'mus Darrell et Anthonius Huse Procu'res an'd'ci me eundem Notarium pu^cu. Subscriptum sibi vnum vel plura pu^cu. seu pu^ca Instrumentu. siue Instrumenta conficere, ac Testes inferius no'i'atos Testimonium exinde perhibere instanter, respectiue rogarunt et requiserunt. Acta fuerunt hec omnia et Sing'la premissa prout suprascribuntur et recitantur Sub anno D'ni, Mense, Die, et Loco pred'cis P'ntibus tunc et ib'm Richardo Taverner[v] armigero, Ioh'e Baker[w] gener., Radulpho Jack-
1042 son[x] et Andrea Peerson[y] cl'icis Testibus ad premissa videnḍ., audiend., et testificand. rogatis et Special'r requisitis.

ET EGO Ioh'es Incent Cantuarien. Dioc. publicus sacra et Suprema auc'te regia notarius, Quia premissis omnibus et Sing'lis dum sic (vt premittitur) sub anno d'ni, mense, die, et loco pred'cis agebantur et fiebant vnacum preno'i'atis Testibus p'ns personal'r interfui, eaq; omnia et Sing'la sic fieri, vidi, sciui et audiui, atq; in notam sumpsi, Ideo hoc p'ns publicum Instrumentu. manu mea propria fidel'r Scriptu. exinde confeci, Subscripsi, et publicaui, Atq; in hanc pu^ca. et auctentica. forma. redegi, Signoq; No'i'e, Cogno'i'e, et Subscriptione meis solitis et consuetis signaui, in fidem et Testimonium omniu. et Sing'lorum premissorum Rogatus special'r et requisitus.

SUPER LIBELLO siue Summaria petitione dat. per partem venerabiliu. virorum D'nor. decani et Cap't'li eccl'ie cath'is et Metropolitice. Xpi. Cantuarien.

JOH'ES BAKER[z] gener., mora. trahens in p'nti cum venerabili Depositiones testiu.

[v] [Richard Taverner was the author of the Postills. He had originally belonged to C.C.C. Cambridge, being admitted there in 1520 (Table at the end of Master's Hist. of Benet Coll.); but was incorporated at Ch. Ch. Oxford, in 1529-30: and died July 14, 1575. He had therefore been a College contemporary of the Archbishop's. See Wood, Athen. Oxon. A letter of his to Parker, dated Woodeaton, Feb. 6, 1562, still exists, in C.C.C.C. MSS. vol. 114. p. 813.]

[w] [See below, note z.]

[x] [See above, p. 193. note d.]

[y] [Andrew Pierson, B.D., fellow of C.C.C. Cambr. 1542 (Masters, Hist. of C.C.C. ed. Lamb), proctor 1550 (Le Neve), resided in Parker's family in 1563 as his almoner, and succeeded Bale about the same year as Prebendary of Canterbury. He was Commissary of Faculties to the Archbishop, and one of the executors to his will (Strype, Parker, bk. iv. c. 46; and append. num. c). He is mentioned as having a licence of non-residence from his Canonry in 1570, and died in 1596 (Battely, as before quoted).]

[z] [John Baker was the son of the Archbishop's mother by a second hus-

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et eximio viro mag'ro Mattheo Parker electo Cantur. xxxix annorum etatis, oriundus in p'ochia Sancti Clementis in Ciuitate Norwici, libere ut dicit Conditionis et Testis de et super Libello[a] pred'co productus, iuratus, et exa'i'atus, dicit ut sequitur.

AD PRIMU., S'c'dm., Tertium, Quartum, Quintu., Sextu., et Septimu. refert se ad processum in h'mo'i causa habitum et factum.

AD OCTAVU. dicit[b] in vim Iuramenti sui deponit q'd idem R'mus p'r Mattheus Parker fuit et est vir prouidus, ac Sacrarum l'rarum Scientia, vita et moribus commendatus, ac homo liber et ex l'timo m'rimonio procreatus, atq; in etate l'tima et in ordine Sacerdotali constitutus et dicte d'ne n're Regine fidelis Subditus, reddendo ca'am sci'e sue in hac parte dicit, Q'd est frater naturalis dicti d'ni electi, Suntq; ex vnis parentibus[c] procreati et geniti.

AD NONU., decimu., et vndecimu. refert se ad processu. h'mo'i.

AD ULTIMU. dicit q'd predeposita per eum sunt vera &c.

WILL'MUS TOLWYN[d] Artium mag'r ac R'or eccl'ie sancti Antonini in Ciuitate London lxx annoru. etatis, ut dicit libere Conditionis &c. Testis &c.

AD PRIMU., secundu., Tertium, Quartum, Quintu., Sextum, et Septimu. refert se ad processu. h'mo'i.

AD OCTAVU. dicit et deponit Contenta in h'mo'i Articulo esse vera, de eius certa Scientia, quia dicit q'd bene eum nouit per hos xxx annos, ac per idem Tempus secu. admodu. familiaris fuit, et in p'nti est, Et etiam dicit q'd nouit eius matrem.

AD NONU., decimu., vndecimu. et duodecimu. refert.

S'c'da Schedula contra oppositores.

IN DEI NO'I'E AMEN. Nos Will'mus quondam Bathon. et Wellen. e'pus, nunc electus Cicestren. Ioh'es Scorye quondam 1043
Cicestren. e'pus, nunc Hereforden. electus, Milo Coverdale quondam Exon. e'pus, et Ioh'es Bedforden. e'pus, Serenissime in Xpo. Principis et d'ne n're, d'ne Elizabethe Dei gr'a Anglie, ffrancie, et Hibernie Regine fidei defens. etc. median. l'ris suis regijs Commissionalibus paten., ad infrascripta Commissarij cum hac clausula viz.

band. He appears to have lived in his family as treasurer; but not up to the death of Parker, who appointed him one of his executors (Strype, Parker, bk. i. c. 1, bk. iv. cc. 44, 45; Append. num. c.) as John Baker of Cambridge. He was a benefactor to C.C.C. Cambridge (Master's Hist. of Benet Coll., Life of Parker). The numbers in the text refer to the paragraphs of the Summaria Petitio, as marked above, pp. 186—188.]

[a] [Wrongly omitted in the folio edit. of Bramhall's Works.]

[b] [The word "et" is inserted here in the same edition.]

[c] ["Unâ parente" would seem to agree better with the fact, as Strype has remarked (Parker, bk. ii. c. 1).]

[d] [William Tolwyn of Norwich was admitted fellow of C.C.C. Cambridge in 1523 (Table at the end of Master's Hist. of C.C.C.), and was therefore at College with Parker. He was imprisoned in 1540, upon the Act of the Six Articles (id., ibid.). The Registers of St. Anthony's (or Antholin's) parish have been destroyed up to 1660 (Newcourt, vol. i. p. 284).]

vnacu. D'nis Ioh'e Thetforden. Suffraganeo, et Ioh'e Bale Osseren. e'po, et etiam hac clausula, Quatenus vos aut ad minus quatuor v'rum &c. Necnon et hac adiectione, Supplentes nihilominus &c. Special'r et l'time deputati In negocio Confirmationis electionis de p'sona venerabilis et eximij viri mag'ri Matthei Parker Sacre Theologie Professoris in Archie'pum Cantuarien. electi facte et celebrate rite et l'time procedentes, omnes et sing'los Oppositores, qui contra d'cam electionem, seu forma. eiusdem, aut personam electam dicere, excipere, vel opponere voluerint, ad comparend. coram nobis istis die hor. et Loco (Si sua putauerint interesse) contra d'cam electionem, forma. eiusdem, aut p'sona. electam in debita Iuris forma dictur., exceptur. et propositur. l'time et peremptorie citat. sepius pu^ce preconizatos, diuq; et sufficienter expectatos, et nullo modo comparentes, nec contra d'cam electionem, formam eiusdem aut p'sonam electam, aliquid dicentes, excipientes, vel opponentes, ad petic'o'em Procuratoris decani et Cap't'li Cantuar., pronunciamus contumaces, et in pena. Contumaciarum suarum h'mo'i decernimus procedend. fore ad prolac'o'em S'nie siue decreti finalis in hac causa ferendi, ip'orum sic citatorum et non comparentium Contumac. in aliquo non obstan.

Juramentu. de agnoscend. suprema. p'tatem Regia.

I MATTHEWE PARKER elected Archbusshopp of Canto^r do utterlie testifie and declare in my Conscyence, That the Quenys highnes ys thonlie Supreme Gouernor of thys Realme, and of all other her highnes Do'ions and Contreys, as well in Spirituall or eccl'iasticall thinges or causes, as Temporall. And that no forreine prince, p'son, prelate, State, or Potentate, hath or ought to haue any Jurisdiction, power, Superioritie, preeminence, or Authoritie eccl'iasticall or sp'ual within thys realme, And therfore I do utterlie renounce and forsake all forreine Jurisdictions, powers, Superiorities, and Authorities. And do promise, that from hensforth I shall bear faith and true Allegyaunce to the Quenys highnes, her heires and lawfull Successours and to my power shall assist and defend all Jurisdictions, privilege, preeminence, and authorities graunted or Belonginge to the Quenys highnes her heires and Succ'., or united and annexed to th'emperiall Crowne of thys Realme. So helpe me god, and by the Contentis of thys Booke.

S'nia Difinitiua.

IN DEI NO'I'E AMEN Auditis, visis, et intellectis, ac plenarie et mature discussis per nos Will'um quondam Bathon. et Wellen. e'pum, nunc Cicestren. electum, Ioh'em Scorye quonda. Cicestren. e'pum, nunc electum Hereforden., Milonem Coverdale quondam Exon. e'pum, et Ioh'em Bedforden. e'pum, Serenissime in Xpo,

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Principis, et d'ne n're, d'ne Elizabethe, Dei gr'a Anglie, ffrancie, et Hibernie Regine ffidei Defens. etc. median. l'ris suis regijs Commissionalibus paten. ad infrascripta Commissarios, cum hac clausula, viz. vnacu. d'nis Ioh'e Thetforden. Suffraganeo, et Ioh'e Bale Osseren. e'po, et etiam hac clausula, Quatenus vos aut ad minus quatuor v'rum &c. Necnon et hac adiectione, Supplentes nihilominus &c. sp'ial'r et l'time deputatos, Meritis et Circumstantijs cuiusdam 1044
cause siue Negocii Confirmationis electionis de p'sona venerabilis et eximij viri mag'ri Matthei Parker Sacre Theologie Professoris in Archie'pum et pastorem eccl'ie cath'is et Metropolitice Xpi. Cantuarien. per obitum bone memorie d'ni Reginaldi Pole vltimi Archie'pi ib'm vacan., electi, facte et celebrate, quod coram nobis aliquandiu vertebatur, et in p'nti vertitur et pendet indeciss., Rimato primitus per nos Toto et integro processu coram nobis in d'co negocio habit. et facto, atq; diligenter recensit. Seruatisq; pernos de Iure et Statutis huius Regni Anglie[e] Seruandis, ad n'ri decreti finalis siue S'nie diffinitiue confirmationis in h'mo'i negocio ferende prolac'o'em sic duximus procedend., et procedimus in hunc qui sequitur modu. QUIA per Acta, exhibita, producta, et probata, coram nobis in h'mo'i Confirmationis negocio, comperimus, et luculenter invenimus, electionem ip'am per decanu. et Cap'tl'm. eccl'ie cath'is et Metropolitice Xpi. Cantuarien. predict. de prefato venerabili et eximio viro magr'o Mattheo Parker electo h'mo'i viro vtiq; prouido et discreto, vita et moribus merito[f] commendato, libero, et de l'timo m'rimonio procreato, atq; in etate l'tima et ordine Sacerdotali constituto rite et l'time fuisse et esse factam et celebrata., nihilq; eidem venerabili viro mag'ro Mattheo Parker electo h'mo'i, de eccl'iasticis Institutis obuiasse seu obuiare quo minus in Archie'pum Cantuar. auc'te d'ce illustrissime d'ne n're Regine merito debeat confirmari. IDCIRCO nos Will'mus nuper Bathon. et Wellen. e'pus, nunc Cicestren. electus, Ioh'es Scory quondam Cicestren. e'pus, nunc electus Hereforden., Milo Coverdale quondam Exon. e'pus, et Ioh'es Bedforden. e'pus, Commissarij regij an'dicti, attentis premissis et alijs virtutum meritis, Super quibus prefatus electus Cantuarien. fidedigno commendatur Testimonio, Xpi. No'i'e primitus inuocato, ac ip'um solum deum oculis n'ris preponentes, de et cum Consilio Iurisperitoru., cum quibus in hac parte communicauimus, pred'cam electionem de eodem venerabili viro mag'ro Mattheo Parker (vt prefertur) factam et celebrata. Suprema auc'te d'ce Serenissime d'ne n're Regine nobis in hac parte commissa confirmamus, Supplentes ex Suprema auc'te Regia ex mero principis motu, ac certa Scientia nobis delegata quic-

[e] [This word is wrongly omitted in the folio edition of Branhall's Works.]

[f] [Misprinted "meris" in the same edition.]

quid in hac Electione fuerit defectum. Tum in hijs que iuxta mandatu. nobis creditum, a nobis factum et processu. est, aut in nobis aut aliquorum n'rorum, Conditione, Statu, facultate, adhec perficiend. deest aut deerit, Tum etiam eorum que per Statuta huius Regni Anglie, aut per Leges eccl'iasticas in hac parte requisita sunt, vel n'cc'ria, prout Temporis Ratio et rerum[g] p'ntium Necessitas id postulant, per hanc n'ram S'niam Diffinitiua. siue hoc n'rum finale decretu., Quam siue quod ad petic'o'em partium ita peten. ferimus[h] et promulgamus in hijs Scriptis.

RITUUM ET CEREMONIARUM ORDO IN CONSECRATIONE Reuerendissimi D'ni Matthei Parker, Archie'pi
1045 *Cantur. in Capella infra Manerium suu. de Lambehith die d'nico viz. decimo Septimo Die mensis decembris, Anno D'ni Mill'imo, Quingen°, Quinquagesimo, Nono*[i].

Ordo Ceremoniaru. in Consecratione d'ni Matthei Parker.

PRINCIPIO Sacellu. Tapetibus ad orientem adornabatur, solu. vero panno rubro insternebatur, Mensa quoq; sacris peragendis n'cc'ria, Tapeto puluinariq; ornata, ad Orientem sita erat.

QUATUOR preterea Cathedre, quatuor e'pis quibus Munus Consecrandi Archie'pi delegabatur ad Austrum Orientalis Sacelli partis erant posite.

SCAMNU. preterea Tapeto, pulvinaribusq; instratum, Cui e'pi genibus flexis inniterentur, ante cathedras ponebatur.

PARI quoq; modo Cathedra, Scamnu'q; Tapeto, pulvinariq; ornatu. Archie'po, ad Borealem Orientalis eiusdem Sacelli partis plagam posita erant[i].

HIJS REBUS ita ordine suo instructis, Mane circiter quintam aut Sextam, per Occidentalem portam ingreditur Sacellu. Archie'pus, toga Talari Coccinea, Caputioq; indutus[j], quatuor precedentibus funalibus, et quatuor comitatus e'pis, qui eius Consecrationi inservirent. viz. will'mo Barloe quondam Bathon. et wellen. e'po, nunc electo Cicestren., Ioh'e Scory quonda. Cicestren. e'po, nunc Hereforden. electo, Milone Coverdale quondam Exon. e'po, et Iohanne Bedforden. Suffraganeo, Qui omnes postq'; Sedes sibi paratas ordine singuli suo

[g] [This word is misprinted "eorum" in the folio edition of Bramhall's Works.]

[h] [Misprinted "fecimus" in the same edition.]

[i] [These details are given only in this which is the first record in the volume and in that of Curtys in 1571 (fol. 125. b, 126 a), the other entries frequently referring to this as a model, and themselves mentioning only names, date, place, witnesses, and Ordinal. It is quite characteristic of Parker, to cause such a minutely exact entry to be made.]

[j] [i. e. in the dress of a Doctor of Divinity.]

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occupassent, preces continuo Matutine per Andrea. Peerson Archie'pi Capellanum clara voce recitabantur, Quibus peractis Ioh'es Scory de quo supra diximus, Suggestum conscendit, atq; inde assumpto sibi in Thema *Seniores ergo qui in vobis sunt obsecro consenior* etc. non ineleganter concionabatur.

FINITA Concione, egrediuntur simul Archie'pus, reliquiq; quatuor e'pi Sacellu., se ad Sacram Communione. paraturi; neq; Mora confestim per Borealem portam ad hunc modum vestiti redeunt, Archie'pus nimirum Linteo superpelliceo (quod vocant) induebatur[j], Cicestren. electus Capa Serica ad Sacra peragenda paratus vtebatur, Cui ministrabant, operamq; suam prebebant, duo Archie'pi Capellani viz. Nicholaus Bullingh'm Lincoln. et Edmundus Gest[k] Cantuarien. respectiue Archi'ni, capis Sericis simil'r vestiti, Hereforden. electus et Bedforden. Suffraganeus Linteis superpelliceis induebantur.

MILO vero Coverdallus non nisi Toga Lanea Talari[l] vtebatur.

ATQ; hunc in modum vestiti et instructi ad Co'ionem celebrandam perrexerunt, Archie'po genibus flexis ad infimu. Sacelli gradu. sedente.

FFINITO tandem Evangelio, Hereforden. electus, Bedforden. Suffraganeus, et Milo Coverdale (de quibus supra) Archie'pum coram Cicestren. electo, apud Mensam in Cathedra sedente, hijs verbis adduxerunt, Reuerende in deo pater, hunc virum piu. pariter atq; 1046
doctum, Tibi offerimus atq; p'ntamus, ut Archie'pus consecretur, postq'; hec dixisset, proferebatur illico Regium diploma siue Mandatum pro Consecratione Archie'pi[m], Quo per D. Thomam Yale Legum doctorem perlecto, Sacramentu. de regio primatu siue Suprema eius auc'te tuenda, iuxta Statuta primo Anno Regni Serenissime Regine[n] n're Elizabethe edita et promulgata, ab eodem Archie'po exigebatur, quod cum ille solemniter Tactis corporal'r sacris Evangelijs conceptis verbis prestitisset, Cicestren. electus populu. ad orationem hortatus, ad Letanias decantandas choro r'ondente se accinxit, Quibus finitis post Questiones aliquot Archie'po per Cicestren. electum propositas, et post Orationes et Suffragia quedam iuxta formam libri auc'te parliamenti editi apud deum habita,

[j] [The *e* interlined in the original handwriting.]

[k] [See below p. 217. note d to Parker's name. The habits here detailed as worn at the celebration of the Holy Communion, were commanded by 1st Bk. of Edw. VI., forbidden by 2nd Bk. in 1552, and restored by Qu. Eliz. See Wheatly, pp. 104, 105. ed. 1839; and Burnet, Rec. Pt. II. bk. iii. num. 2.]

[l] [The objection then prevalent against the surplice may perhaps account for this; together with the determination Coverdale had formed of retiring into private life. See Mason, bk. iii. c. 9. § 6.]

[m] [This mandate is the document containing the clause Supplentes so often mentioned; but it does not appear from the record that this clause was *used* in the consecration, although of course the mandate itself was. Compare the Defin. Sentence of Confirmation, above pp. 202, 203.]

[n] [Percival wrongly omits the word "Regine."]

Cicestren., Hereforden., Suffraganeus Bedforden. et Milo Coverdallus Manibus Archie'po impositis dixerunt[o] Anglice viz. "Take the hollie gost, and remember that thou stirre upp the grace of god, which ys in the by Imposicon of handes, for god hath not giuen us the Spirite of feare, But of Power, and Love, and Sobernes." Hijs dictis, Biblia Sacra illi in Manibus tradiderunt, h'mo'i apud eum verba h'entes, "Gyve hede unto thy readinge, exhortacon, and Doctrine, thinke uppon thes thinges, conteyned in thys Booke, be diligent in them that the increase comminge therbye may be manifest unto all men; Take hede unto thy self, and unto thy Teachinge, and be diligent in Doinge them for by doinge thys, thou shalt saue thy self, and them that hear thee through Jesus Xpe. our Lord[p]." Postq'; hec dixissent, ad reliqua Communionis solemnia pergit Cicestren., nullu. Archie'po tradens pastorale bacculum[p], cum quo co'icabant Archie'pus, et quatuor[q] illi e'pi supra no'i'ati, cum alijs etiam nonnullis.

FFINITIS tandem peractisq; Sacris egreditur per Borealem Orientalis Sacelli partis porta. Archie'pus, quatuor illis comitatus e'pis qui eum consecrauerant, et confestim eisdem ip'is stipatus e'pis per eandem reuertitur portam, albo e'pali Superpelliceo, Crimeraq[r]; (ut vocant) ex nigro Serico indutus, circa collu. vero Collare quoddam ex preciosis pellibus Sabellinis (vulgo Sables vocant) consutu. gestabat. Pari quoq; modo Cicestren. et Hereforden. suis E'palibus amictibus, Superpelliceo[s] et Crimera, vterq; induebatur. Coverdallus vero et Bedforden. Suffraganeus togis solum modo talaribus vtebantur. Pergens deinde Occidentalem portam versus, Archie'pus, Thome Doyle Iconimo[t], Joanni Baker[u], Thesaurario, et Joh'i March Computo. rotulario, Sing'lis sing'los albos dedit Bacculos, hoc scz. modo eos muneribus et Officijs suis ornans.

HIJS itaq; hunc ad modum ordine suo (vt iam ante d'cum est) peractis, per Occidentalem portam Sacellu. egreditur Archie'pus gene-

[o] [The form in other cases runs as follows—"Reverendissimus Pater" (viz. the Abp.), "assistentibus sibi reverendis patribus dominis," &c., "vigore literarum patentium," &c., "munus consecrationis venerabili viro," &c., "impendebat;"—thus making a distinction between the consecrating and the assisting Bishops, *which is not here made.*]

[p] [The Ordinal (and Liturgy) restored by Qu. Eliz. was the *second* book of Edw. VI., that of 1552; in which the tradition of the Pastoral Staff (retained in the first Ordinal, of 1549) was omitted, the words however which it had accompanied, being (as they still are) retained. Here it would seem, that words as well as act were omitted.]

[q] [Percival wrongly omits the word "quatuor."]

[r] [*Ch*imera? for an account of which see Palmer's Orig. Liturg., vol. ii. Append. sect. 7. The *scarlet* chimere used under Edw. VI. was changed for one of *black* satin under Elizabeth (Hody, Hist. of Convoc., p. 141; quoted by Palmer, ibid.).]

[s] ["Scz." (i. e. scilicet) is here interlined by the third hand above mentioned. So also in the C.C.C. Transcript.]

[t] [i. e. *οἰκονόμῳ* or steward.]

[u] [See above p. 199. note z.]

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rosioribus quibusq; Sanguine ex[v] eius familia eum preceden. reliquis vero eum a Tergo Sequentibus.

ACTA, gestaq; hec erant omnia et Sing'la in p'ntia Reuerendoru. in Xpo. patrum, Edmundi Grindall London e'pi electi, Richardi Cockes Elien. electi, Edwini Sandes Wigorn. electi, Anthonii Huse Armigeri principalis et primarii Reg'rarii d'ci Archie'pi, Thome Argall 1047
armigeri Reg'rarii Curie Prerogative Cantur., Thome Willett et Ioh'is Incent notariorum publicoru., et aliorum nonnullorum.

Mandatu. directu. Archi'no Cantuarien. ad intronizand. dictu. d'nm. Archie'pum.

WILL'MUS BARLOWE, e'pus Cicestrens., Ioh'es Scory e'pus Hereforden.[w], Milo Coverdale nuper Exon. e'pus, et Ioh'es e'pus Suffraganeus Bedforden., illustrissime in Xpo. Principis et d'ne n're, d'ne Elizabethe Dei gr'a, Anglie, ffrancie et Hibernie Regine, fidei defens. &c. ad infrascripta median. l'ris Commissionalibus paten. d'ce Illustrissime d'ne n're Regine nobis in hac parte direct. Commissarij inter alios cum hac clausula, Quatenus vos aut ad minus quatuor v'rum &c. et etiam cum hac adiectione, Supplentes nihilominus &c. Special'r et l'time deputati et constituti, Venerabili viro mag'ro Edmundo Gest Archi'no Cantuar. Sal't'm in D'no sempiterna. QUU. vacante nuper Sede Archie'pali Cantuarien. per mortem naturalem d'ni Reginaldi Pole Cardinalis vltimi et immediati Archie'pi eiusdem, Decanus et Cap't'lm. eccl'ie cath'is et Metropolitice Xpi. Cantuarien. (L'nia regia primitus in ea parte petita et obtenta) Reuerendissimum in Xpo. p'rem, d'nm. Mattheu. Parker sacre Theologie professorem in eorum et d'ce eccl'ie cath'is e'pum et pastorem elegerint, et eccl'ie cath'i predict. prouiderint de eodem ; Quam quide. Electione. et p'sona. sic electam (Seruatis de Iure et Statutis hujus incliti Regni Anglie in ea parte Seruandis) Nos auc'te l'rarum Commissionaliu. paten. d'ce illustrissime d'ne n're Regine nobis (vt premittitur) direct. rite et l'time confirmauimus, eidemq; Curam, Regimen, et Administratione. d'ci Archie'patus Cantuarien. commisimus, Necnon Munus Consecrationis eidem (Adhibitis de ritu et more eccl'ie Anglicane Suffragijs et Insignijs adhibendis) impendimus, iuxta Statuta huius incliti Regni Anglie in hac parte pie et sancte edita et sancsita, Ip'umq; Reuerendissimu. p'rem sic confirmatu. et consecratu. in realem, actuale., et corporalem possessionem d'ci Archie'patus Cantuar. Iuriumq; et pertinen. suorum vniuersorum inducend. inuestiend. installand. et intronizand. fore decreuimus et mandauimus[x], Tibi ig'r harum Serie Iuris ordine id exigente, firmiter precipiendo mandamus, Quatenus prefatu. Reue-

[v] [Misprinted "et" in Percival.]

[w] [Barlow and Scory were now (after Dec. 30) confirmed in their new sees, and in this and the next document their style is changed accordingly.]

[x] ["Mandamus" in the original record, interlined by the third hand "mandauimus."]

rendissimu. p'rem seu procu'rem suu. l'timum (eius no'i'e) in realem, actualem, et corporalem possessione. d'ci Archie'patus Cantuarien., Iuriumq; Honorum, Dignitatu., et pertinen. suorum vniuersorum inducas, inuestias, installes, et intronizes, seu sic induci, inuestiri, installari, et intronizari facias cum effectu, Cathedramq; siue Sedem Archie'palem in eadem eccl'ia ei (vti moris est) assignes, et eum in eade. Cathedra siue Sede Archie'pali imponas, cum omni honore debit., Adhibitis de more adhibendis, aut ita fieri et imponi cures prout decet, In cuius Rei Testimonium, Sigillu. Officialitatis alme Curie Cantuarien. p'ntibus apponi fecimus et procurauimus. Dat. Londini ultimo die mensis decembris Anno d'ni Mill'imo, Quingen°, Quinquagesimo, nono.

1048 EDMUNDUS GEST Archi'nus Cantuarien., Ad quem Inductio, installatio, et intronizatio o'ium et Singulorum E'porum Cantuarien. Provincie, de laudabili, longeuaq; et l'time prescripta Consuetudine notorie dinoscuntur pertinere[y], Venerabilibus viris

Aliud mandatu. factu. p. dictu. Archidiaconu. ad effectu. p'dictu. [Commissio p' D'cu. Arch'nu. ad Inthronizand. &c. facta &c. in ab'nia sua[z].]

Sal't'm in D'no sempiterna. Quum vacante nuper Sede Archie'pali Cantuarien. per mortem naturalem d'ni Reginaldi Pole vltimi Archie'pi ib'm, decanus et Cap't'lm. eccl'ie cath'is et Metropolitice Xpi. Cantuarien , (L'nia regia primitus in ea parte petita et obtenta) Reuerendissimu. in Xpo. p'rem, d'nm. Mattheu. Parker sacre Theologie professorum in eorum et d'ce eccl'ie Archie'pum et pastorem elegerint, Cumq; preterea Reuerendi in Xpo. p'res d'ni, Will'mus Barloe Cicestren. e'pus, Ioh'es Scorye e'pus Hereforden., Milo Coverdale quondam Exon. e'pus et Ioh'es e'pus Suffraganeus Bedforden., auc'te l'rarum Commissionaliu. paten. illustrissime in Xpo. Principis et d'ne n're, d'ne Elizabethe Dei gr'a Anglie, ffrancie, et Hibernie Regine, fidei defens. &c. eis in hac parte direct. sufficienter et l'time fulciti, Electionem pred'cam de p'sona prefati Reuerendissimi p'ris (vt premittitur) factam et celebratam, *et*[a] personam sic electam (Seruatis de Jure et Statutis huius incliti Regni Anglie in hac parte seruandis) confirmauerint, eidemq; Reuerendissimo in Xpo. p'ri, Curam, Regimen et Administrationem d'ci Archie'patus Cantur. commiserint, Necnon Munus Consecrationis eidem R'° p'ri (adhibitis de ritu et more eccl'ie Anglicane

[y] [See Battely, Antiq. of Cant., Pt. IV. c. iii. The blank in this and the following document are easily and naturally accounted for, when it is remembered that the regular form, with blanks for the names, as drawn out by the clerk, has been entered in both cases, space being left for copying in the names from the original documents when filled in by Parker or Gest themselves. Nothing is more likely than that an omission of this kind should be overlooked. See Abp. Wake's explanation in Couray., Déf. de la Diss., liv. iii. c. 5.]

[z] [Added by later hand in the margin.]

[a] [Interlined by later hand.]

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Suffragijs et Insignijs adhibendis) impenderint iuxta Statuta huius incliti Regni Anglie in hac parte pie et sancte edita et sancsita, Nobisq; dederint in mandatis, Quatenus Nos prefatum Reuerendissimu. p'rem sic confirmatu. et consecratum seu procu'rem suum l'timum (eius no'i'e) in realem, actualem, et corporale. possessionem d'ci Archie'patus Cantur., Iuriumq; et pertinen. suorum. vniuersorum induceremus, installaremus et intronizaremus, prout per eorum l'ras nobis in ea parte factas et inscriptas plenius liquet et apparet, Quia nos imp'ntiarum quibusdam arduis et vrgentibus negocijs adeo sumus impliciti et remorati, Q'd executioni officij n'ri h'mo'i vacare non valemus vti optamus, Vobis ig'r et v'rum cuilibet co^{m} et di^{m} de quorum Circumspectione et Industria Sp'ialem in d'no fiduciam obtinemus, ad inducend. prelibatu. Reuerendissimu. p'rem seu procu'rem suu. l'timum (eius no'i'e) in realem, actualem, et corporalem possessione. antedicte eccl'ie cath'is et Metropolitice Xpi. Cantuarien., Iuriumq; et pertinen. suorum universorum, eundemq; Reuerendissimum p'rem seu eius Procu'rem l'timum cum plenitudine Iuris Archie'palis installand. et intronizand. Ceteraq; omnia et sing'la faciend. exercend. et expediend. que in hac parte n'cc'ria fuerint seu q'm'ol't requisita, vices n'ras committimus, et plena. Tenore p'ntium concedimus p'tatem. Rogantes ut totum id quod in premissis feceritis, aut v'rum aliquis fecerit dicto Inductionis Negocio expedito nobis pro Loco et Tempore congruis et 1049
oportunis debite significare velitis, seu sic significet ille v'rum qui h'mo'i negocium fuerit executus, In cuius Rei Testimonium Sigillu. n'rum p'ntibus apponi fecimus. Dat. primo die mensis Januarij Anno d'ni iuxta Computationem eccl'ie Anglicane Mill'imo., Quingen^{o}, Quinquagesimo, Nono.

Procuratoriu. d'ni Archie'pi ad petend. et obtinend. intronizatione'.

VNIUERSIS hasce Procurationis et mandati l'ras inspecturis, visuris, audituris, vel lecturis innotescat et palam sit, Q'd nos Mattheus, p'missione Divina Cantuar. Archie'pus, totius Anglie Primas et Metropolitanus electus, confirmatus, et consecratus, Dilectos nobis in Xpo. filios mag'ros Edwardum Leades et[b]

Sacellanos familiares et domesticos n'ros co^{m} et di^{m} n'ros veros, certos, l'timos, ac indubitatos procu'res, actores, factores, negociorumq; n'rorum gestores, et nuncios sp'iales ad infrascripta, rite, vice, no'i'e, et Loco n'ris obeund. no'i'amus, ordinamus, facimus, et constituimus per p'ntes, damusq; et concedimus eisdem procu'ribus n'ris co^{m} et eorum vtriq; (vt prefertur) per se di^{m} et insolid., p'tatem generalem et Mandatum speciale, pro nobis, ac vice et no'i'e n'ris, coram Dilectis nobis in Xpo. filijs d'no decano

[b] [See p. 207. note y.]

et Cap't'lo eccl'ie n're cath'is et Metropolitice Xpi. Cantuar. eorumue in hac parte vicesgeren. quibuscunq; comparendi, et iustas causas ab'ie n're coram eis proponend. dicend. et profitend., Nosq; eo obtentu a p'sonali comparitione excusand., ac super veritate earundem, fidem de Iure requisitam faciend. ac Nos et p'sonam n'ram in realem, actualem, et corporalem possessionem n'ri Archie'patus Cantuarien. cum omnibus et sing'lis suis honoribus, priuilegijs, prerogatiuis, preeminentijs Iuribus et p'tinen. suis vniuersis sp'ualibus et temporalibus iuxta et secundum ip'ius eccl'ie cath'is et Metropolitice Xpi. Cantuar. Statuta, Ordinac'o'es, et consuetudines (Legibus, Statutis et prouisionibus huius Regni Anglie imp'ntiarum non repugnan.) induci, inuestiri, installari et intronizari, cum plenitudine Iuris Archie'palis, Cathedramq; siue Sedem Archie'palem in Choro eccl'ie memorate Archie'po ib'm ab antiquo assignari solit. et consuet. nobis quatenus videbitur expediens assignari et limitari petend., requirend. et obtinend., Necnon realem, actualem et corporalem possessionem, Installac'o'em et Intronizac'o'em d'ci Archie'patus Cantuarien. vice et no'i'e n'ris nanciscend. et adipiscend. ac illas sic nactas et adeptas ad vsum et commodum n'rum custodiend. et conseruand., ac per l'tima Iuris remedia tuend. et defendend.; Quodcunq; insuper Iuramentu. licitu. et approbatum, ac de Iure, Consuetudinibus et Statutis d'ce eccl'ie cath'is et Metropolitice Xpi. Cantuar. in hac parte quomodolibet requisit. (Quatenus Consuetudines, Ordinac'o'es et Statuta h'mo'i Iuri diuino, ac Legibus et Statutis huius Regni Anglie non sint contraria) vel repugnan., in a'i'am meam et pro me prestand. subeund. et iurand. Necnon Iuramentu. ob'ie, et quodcunq; aliud Sacramentu. licitum et
1050 honestum de Ordinationibus et Statutis eccl'ie cath. et Metropolitice Xpi. Cantuarien. predict. modo premisso qualificatis a decano et Cap't'lo, Canonicisq; et ceteris ministris eiusdem eccl'ie Archie'po ib'm exhiberi et prestari solit. et consuet. ab eisdem et eorum quolibet, ac vice et no'ibus n'ris recipiend. et admittend., Et generaliter o'ia et sing'la alia faciend., exercend. et expediend., que in premissis et circa ea de Iure seu consuetudine hactenus usitatis n'cc'ria fuerint seu q'mo'l't oportuna, etiamsi Mandatu. de se magis exigant speciale quam Superius est expressu., promittimusq; nos, ratum, gratum, et firmu. perpetuo habitur. totum et quicquid d'ci procu'res n'ri seu eorum alter fecerint seu fecerit in premissis vel aliquo premissorum sub ypotheca et obligatione o'ium et sing'lorum Bonorum n'rorum tam p'ntium q'; futurorum, et in ea parte Cautionem exponimus per p'ntes, In cuius rei Testimonium Sigillum n'rum p'ntibus apponi fecimus. Dat. in Manerio n'ro de Lambehith Winton. Dioc. secundo Die mensis Januarij Anno

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d'ni secundu. Computatione. eccl'ie Anglicane Mill'imo, Quingen°, Quinquagesimo, nono Et n're Cons. Anno primo[c].

[*Concordat cum Registro facta Collatione per Nos W'mum Angier Notarium publicum, et Johannem Jacobum Benard.—Attestat. added in the fol. edit. of Bramhall's Works in* 1676.]

[*A similar Certificate, with the addition of a few corrections, is among the Preuves Just. to Courayer's Dissertation, Art. VI., signed* "WILLIAM AYERST, *S. Th. Bac. et Eccles. Anglic. Presbyter*, JAMES PIERS, *Juris-consult.*, PAT. PIERS DE GIRARDIN, *Doctor of the Sorbonne*, ED. WILKINS, *Sacræ Theologiæ Prof. Cantabrigiensis, Canonicus Cantuariensis, Reverendissimo in Christo Patri ac D.D. Guilielmo Div. Prov. Archiepiscopo Cantuariensi, a Sacris Domesticis,*" *at* "*the Archiepiscopal Palace at Lambeth, 15th March, O. S.* 1721-2."]

II.

[*Transcript*[a] *of so much of the preceding Record as relates to the Consecration of Parker, from a MS. transcript of that part of the original Register in C.C.C. Library, Cambridge.*]

RITUUM ATQUE CEREMONIARUM 1051

ORDO IN CONSECRANDO REUERENDISSIMO IN CHRISTO PATRE MATTHEO PARKER CANTUARIENSI ARCHIE'PO IN SACELLO SUO APUD MANERIU. SUUM DE LAMHETH, DIE D'NICO XVII° VIZ. DIE MENSIS DECEMBRIS, ANNO DOM 1559. HABIT.

PRINCIPIO Sacellum tapetibus ad orientem adornabatur solum

[c] [The record of the actual inthronization would appear (not in this, but) in the Register of the Dean and Chapter of Canterbury.]

[a] [This transcript (of which the first three words are elaborately ornamented on the original parchment, with Parker's arms emblazoned in the centre) is believed to have been given to the College by Parker himself. It has been repeatedly printed; 1. in 1676 in the folio edition of Bramhall's Works (very carelessly); 2. in 1688 by the Rev. Thomas Browne, of St. John's Coll. Cambridge, pp. 63-65 in fin. Concion. habit. Jul. 3, 1687, publ. at Cambridge in 1688; 3. in 1841 by Percival, on the Apostol. Success., Append. (B); 4. by Rev. J. Goodwin at present fellow of C.C.C.C., in No. III. of the Proceed. of the Cambr. Antiq. Society, with a facsimile of the original, from which it is here reprinted. Burnet (Records Pt. II. bk. iii. num. 9) has reprinted it from Bramhall and Browne; Collier (Hist. Dict., Supplem. in voce Parker), and Courayer (Diss. Pr. Just. art. iv), from Bramhall and Burnet; Dodd (Ch. Hist. Pt. IV. bk. iii. art. 6), from Browne; Wilkins (Concil., tom. iv. pp. 198, 199), and Elrington (Valid. of Engl. Ordin., Append. num. xii), from Bramhall; and, lastly, Cardwell (Docum. Annals, vol. i. pp. 242-246), from Wilkins and Browne, with a mistake of *sixteenth* for *seventeenth* of December.

In the present reprint of it, contractions and orthography have been as far as possible retained. All errors in the folio edition of Bramhall, beyond mere spelling, are noticed in the foot notes. It varies from the original Register only in a few insignificant points, e. g. "olim" for "quondam," and the like (and see note d), and in giving the words of consecration in Latin instead of English.

Two similar transcripts upon paper are in the State Paper Office, one (endorsed *Installment*, &c.) apparently of the same or similar date with this and more accurate, the other a copy of it in a later hand.]

verò panno rubro insternebatur Mensa quoq; sacris peragendis necessaria, tapeto puluinariq; ornata ad orientem sita erat.

QUATUOR preteria Cathedre, quatuo[r] e'pis quibus munus consecrandi Archie'pi delegabatur, ad austru. Orientalis sacelli partis erant posite.

SCAMNUM preterea tapeto pulvinaribusq; instratum, cui E'pi genubus flexis inniterentur, ante cathedras ponebatur.

PARI quoq; modo cathedra, scamnu'q; tapeto puluinariq; ornatum, Archie'po ad Borealem orientalis eiusdem sacelli partis plagam posita erant.

HIJS rebus ita ordine suo instructis, mane circiter quintam aut sextam[b] per occidentalem portam ingreditur Sacellum Archie'pus, toga talari coccinea caputioq; indutus, quatuo[r] precedentibus funalibus et quatuor comitatus e'pis qui eius conserationi[c] inservire't (verbi gr'a) Gulielmo Barlow olim Bathon. et Wellen. E'po nunc verò ad Cichestren e'patum electo Joh'e Scory olim Cichestriæ e'po et nunc ad Herefordiensem vocato, Milone Coverdallo olim Exoniense e'po, et Johanne Hodgskinne Bedfordie suffraganeo. Qui o'es postquam sedes sibi paratas ordine singuli suo occupassent, Preces continio matutine per Andream Pirson Archie'pi Capellanum clara voce recitabantur, quibus peractis, Joh'es Score (de quo supra diximus) suggestu. conscendit, atq; inde assumpto sibi in thema, '*Seniores ergo qui in vobis sunt obsecro consenior*,' etc. non ineleganter concionabatur.

FFINITA concione, egrediuntur simul Archie'pus reliquiq; quatuo[r] e'pi sacellum se ad sacram co'munionem paraturi, neq; mora confestim p'. borialem portam *in vestiarum*[d] ad hunc modum vestiti rediunt. Archie'pus nimirum linteo sup'pelliceo (quod vocant) induebatur. Cicestriensis electus, capa serica ad sacra peragenda paratus vtebatur. Cui ministrabant operamq; suam prebebant[e] duo Archie'pi capellani, Nich'us viz. Bullingh'm Lincolnie archideaconus, et Edmundus Gest Cantuariensis quoq; Archideaconus, capis sericis similiter vestiti. Hereford electus et Bedford suffraganeus, linteis sup'pellicies[f] induebantur.

MILO verò Coverdallus non nisi toga lanea talari vtebatur.

ATQ; hunc in modum vestiti et instructi ad co'munionem celebrandum[g] p'rexerunt Archie'po genubus flexis ad infimum sacelli gradum sedente.

[b] [*t* interlined in original hand.]

[c] [So in MS.]

[d] [These two words are written in above the line by a later hand. Browne conjectures, that they might have been intended for the previous line, to be inserted after the word "Sacellum;" which the position of the words will not admit. "Vestiarum," it is to be supposed, is meant for "Vestiarium." Neither word occurs, and in neither place, in the Lambeth Register itself.]

[e] ["preb[eb]ant" in MS., interlined by original hand.]

[f] [So in MS.]

[g] [So in MS.]

PART I. APPENDIX.

FFINITO tandem evangelio, Hereforden. electus, Bedforde suffraganius et Milo Coverdallus (de quib[s] supra) Archie'pum coram Cicestrien. electo apud mensam in Cathedra sedenti hijs verbis adduxerunt, Reu'ende in deo pater hunc virum piu. pariter atq; doctum tibi offerimus atq; presentamus, ut Archie'pus consecretur. Postq; hec dixissent, proferebatur ilico regine diploma siue mandatu. pro consecrac'o'e Archie'pi, quo p'. R.[h] Thomam Yale legum doctorem p'lecto, Sacra- 1052
mentum de Regio Primatu siue suprema *eius*[i] authoritate tuenda iuxta Statuta 1°. an°. regni sereniss. regine nostre Elizabeth. promulgata ab eodem Archie'po exigebatur, quod cum ille solenniter tactis corporaliter sacris evangelijs conceptis verbis prestitisset, Cicestriens. electus quedam prefatus atq; populum ad orationem hortatus, ad Litanias decantandas Choro respondente se accinxit. Quibus finitis, post questiones aliquot Archie'po per Cicestrien. electum propositas, et post orac'ones et suffragia quedam iuxta formam libri auc'te[k] Parliamenti editi, apud deum habita, Cicestrensis, Herefordiensis Suffraganeus Bedfordensis et Milo Coverdallus, manibus Archie'po impositis, Accipe (inquiunt[l]) spiritum sanctum, et gratiam dei que iam per impositionis manuu. in te est excitare memento, Non enim timoris, sed virtutis dilectionis et sobrietatis spiritum dedit nobis deus. His ita dictis Biblia sacra illi in manibus tradiderunt hui'smodi apud eu. verba habentes, In legendo, hortando, et docendo vide diligens sis, atq; ea meditare assidue que in[m] hiisce libris scripta sunt, noli in his segnis esse, quo incrementum inde proveniens omnibus innotescat et palam fiat. Cura quæ ad te et ad doce'di munus spectant diligenter. Hoc enim modo non teipsum solum sed et reliquos Auditores tuos per Jesum Xpm. dominu. nostrum salvabis. Postquam hec dixissent, ad reliqua co'munionis solemnia pergit Cicestrensis nullum Archie'po tradens pastorale baculum, cum quo co'municabant vna Archie'pus, et quatuor[n] illi e'pi supra nominati cum alijs etiam nonnullis.

FFINITIS tandem peractisq; sacris egreditur per borealem orientis Sacelli partis portam Archie'pus quatuo[r] illis comitatus e'pis qui eum consecrauerant, et confestim ijsdem ipsis stipatus e'pis per eandem revertitur portam albo e'pali superpellic'o Crimeraq; (ut vocant) ex nigro serico indutus circa collum vero collare quoddam ex pretiosis pellibus sabellinis (vulgo *Sables* vocant) consutum gestabat. Pari quoq; modo Cicestrensis et Herefordensis, suis e'palibus amictibus, sup'pelliceo scz. et crimera uterq; induebat[r]. D. Coverdallus vero et

[h] ["Reverendum" in the folio edition of Bramhall. The letter in the MS. may possibly be "D"; as it is in the Lambeth Register, and as Browne has printed it.]

[i] [Interlined in original hand.]

[k] [Misprinted "Antedicti" in the folio edition of Bramhall's Works.]

[l] [The word "*Anglice*" is inserted here in the same edition.]

[m] ["His" here inserted in MS., but scored through.]

[n] [This word is omitted in the folio edition of Bramhall's Works.]

Bedfordie Suffraganeus togis solum modo talaribus vtebantur. Pergens deinde occidentalem portam versus Ar'e'pus[o] Thome Doyle Economo, Joh'i Baker Thesaurario[p], et Joh'i Marche computo rotulario, singulis singulos Albos dedit baculos, hoc scz. modo eis[p] muneribus et officijs suis ornans.

HIJS itaq; hunc ad modum ordine suo ut iam ante dictum est p'actis per occidentalem portam Sacellu. egredit[r] Archie'pus generosioribus quibusq; sanguine ex eius famillia eu. precedentibus, reliquis vero eum a tergo sequentib[s].

Acta gestaq; hec erant omnia in presentia Reuerendorum in Xpo. p'rum[q] Edmundi Gryndall Londinensis E'pi electi, Richardi Cockes Eliensis electi, Edwini Sandes Wigorniensis electi Anthonij Huse armigeri principalis et primarij reg'rarij dicti Archie'pali[r] Thome Argall Armigeri Reg'rarij Curie[s] prerogatiue Cantuariensis, Thome Willet et Joh'is Incent notariorum publicorum, et aliorum quoq; nonnullorum[t].

[*Jan.* 8, 1674.—*Concordat cum Originali in Bibliotheca Collegii Corp. Christi apud Cantabrigiens. Ita testor Matth. Whinn Notarius Public. et Acad. Cantabr. Registrarius Principalis.*

Cambridge, Jan. 11, 1674.

We whose names are hereunto subscribed, having seen the original, whereof this writing is a perfect copy, and considered the hand and other circumstances thereof, are fully persuaded that it is a true and genuine record of the Rites and Ceremonies of Archbishop Parker's Consecration, and as ancient as the date it beares. In witness whereof we have hereunto set our hands, the day and yeare above written.

Hen. Paman Orat. Publicus[u].

Hen. More D.D.[v]

Ra: Widdrington. S.T.D. & D. Marg. P.

1053 *C. C. C. C.*

We, the Master and Fellows of Corpus Christi College in the University of Cambridge, doe hereby declare and certifie, that this writing, being a Narrative of Archbishop Parker's Consecration in Lambeth Chappel, is faithfully transcribed from the Original Record in our Col-

[o] [The MS. gives this word thus, "ar e'pus," the two first letters being written above the line in another hand; evidently to make the word agree with the context. See also Browne.]

[p] [So in MS.]

[q] ["Reverendorum Episcoporum," in the folio edition of Bramhall's Works.]

[r] [So in MS.]

[s] [Misprinted "Civestriæ" in the folio edition of Bramhall's Works.]

[t] [On the same parchment immediately follows, apparently in the same hand, a commission from Parker to Walter Haddon to be Commissary of the Prerogative Court of Canterbury, dated Dec. 27, 1559.]

[u] [M.D. Fellow of St. John's Coll. —succeeded by John Billers in 1681.]

[v] [Dr. H. More died Sept. 1, 1687. He was of Christ's Coll.]

lege Library: and that we are fully satisfied that the said Record is as ancient as the date it beares, and the occasion to which it doth referr. Nor can we doubt but the plain and evident tokens of antiquity which it carries, will as much satisfy any ingenuous persons who shall have a sight thereof: which therefore we shall readily afford to those who shall repaire to the College for that purpose.

John Spencer. D.D. Mr. of the Coll.
Joh: Peckover. B.D.
Erasmus Lane. B.D.
Ri: Sheldrake. B.D.
Sam: Beck. B.D.
Hen: Gostling. B.D.
Will: Briggs. M.A.
John Richer. M.A.[w].

"2° *Novemb.* 1687.—*Factâ collatione, concordat cum originali. Ita testor Jacobus Holman Not. Publ. et Almæ Universitatis Cantabr. Regist. Principalis*[x]."

"*Nos quorum nomina infra scripta sunt, omnibus notum et testatum facimus, vidisse nos originale illud MS. cujus hoc fidele et accuratum apographum est: et spectatis, quæ prædictum MS. præfert, antiquitatis simul et simplicitatis indiciis, omnino persuasum habere, quod illum verum et authenticum Testimonium et Monumentum sit Consecrationis Reverendissimi in Christo Patris Matthæi Parker Archiepiscopi Cantuariensis.*

Jo. Balderston, Procan.[y]
Jo. Beaumont, S.T.P. Reg. Theol. Profess.[z]
R. Widdrington, S.T.P. D. Marg. Prof.[a]
R. Cudworth, S.T.P. Ling. Heb. Prof.[b]
Jo. Copleston, S.T.P. Coll. Regal. Præpos.
Humf. Gower, S.T.P. Coll. D. Joh. Præf.
Nath. Coga, S.T.P. Aul. Pemb. Præf.
S. Blithe, S.T.P. Aul. Clar. Præf.
Guil. Saywell, S.T.P. Coll. Jes. Præf.
Jo. Luke, S.T.P. Ling. Arab. Prof.[c]
Tho. Smoult, S.T.P. Theol. Pract. Prof.
Jo. Billers, S.T.B. Orat. Pub.[d]
Is. Newton, Mathem. Prof.
Mich. Payne, Ling. Græc. Prof.[e]
Cæsar Crouch, Procurat. Sen.[f]
Joh. Wotton, Procurat. Jun.[g]
Barth. Wortley, Taxat. Sen.[h]
Joannes Pern, Bedel. Arm., Notar. Pub.
Rich. Oldham, S.T.B. Notar. Pub.
Jo. Laughton, Protobibliothec.[i]"

[w] [These certificates were appended to the record in the folio edit. of Bramhall's Works.]
[x] [Added in Browne, p. 63.]
[y] [Master of Emmanuel.]
[z] [Master of Peterhouse.]
[a] [Senior Fellow of Christ's Coll., appointed in 1672. He was succeeded by Humphr. Gower in 1688.]
[b] [Master of Christ's Coll.]
[c] [Fellow of Christ's Coll.]
[d] [Fellow of St. John's. He was succeeded by H. Felton in 1688.]
[e] [Fellow of Trin. Coll.]
[f] [Fellow of King's Coll.]
[g] [Fellow of Queen's Coll.]
[h] [Fellow of Caius Coll.]
[i] [From Browne, p. 64.]

2*do Novembris* 1687.

"*Nos Magister et Socii Collegii Corp. Christi apud Cantabrigienses notum omnibus atque testatum facimus narratiunculam hanc ex Originali Instrumento in Bibliothecæ nostræ* (*quæ dicitur*) interioris *Archivis asservato vere et fideliter esse descriptam; nosque, multis ad id adductos argumentis, omnino persuasum habere Scriptum originale sincerum et genuinum esse, unaque cum reliquis Reverendissimi Matthæi Parker Libris et Monumentis MSS. ab eodem R. Patre legatum atque transmissum fuisse Collegio nostro, cujus olim alumnus, Socius, et Magister extitit. Nec facile dubitandum est, quin omnes æqui et ingenui homines, modo ad luculenta illa, quæ prædictum Scriptum præfert, antiquitatis simul et simplicitatis indicia attenderint, hac in re nobis sint assensuri; quibus itaque huc adventantibus illius videndi copiam libentes facturi sumus. Sciat interim Lector nos hic Archetypi literas omnes, ne dicamus et apices*[k], *ei reddidisse. Hoc autem ideo monere consentaneum duximus, ne forte, quæ in hoc Archetypo frequentiora occurrunt, sphalmata grammaticália* (*fidei quidem illa et diligentiæ nostræ testimonia*) *desidiæ et incuriæ argumenta a Lectore habeantur.*

Jo. Spencer, S.T.D. Mag. Coll.
Sam. Beck, B.D.
Jo. Cory, B.D.
Guil. Sagg, A.M.
Car. Darell, A.M.
Jo. Jaggard, A.M. Taxat. Acad. Jun.
Car. Kidman, A.M.
Ro. Kemp, A.M.
R. Moss, A.B.[l]"

Dat. e Dom. Nostr. Capitul. Nov. 10, 1687.]

[k] [This refers to Browne's publication.]

[l] [Browne, p. 65. Le Neve's Fasti and Master's Hist. of Benet Coll. will supply information (where it is needed) concerning most of the persons whose signatures are affixed to the above certificates, corresponding with their names and degrees, &c., as given here. Dr. Spencer was the well-known author of the De Legibus Hebræorum. One fellow of C.C.C. refused to sign this document (Browne, p. 58); apparently a Mr. Clement Scot, whose rooms were rifled by the mob at the Revolution on suspicion of Popery, and who afterwards turned Romanist (see Masters): and one Head of a House also refused to sign the document preceding this, viz. the Master of Sidney Sussex Coll. (Joshua Basset, appointed by Kg. James in 1686); both as holding Romanist opinions ("Rom. Cathol. fidem nuper professis"—Browne, ibid.).]

I.

Table of the several acts, with their respective dates, relating to the admission into their sees of the Bishops consecrated or confirmed in the 2 *and* 3 *Elizabeth, A.D.* 1559—1561.

The following Table is intended to establish the positions laid down by Bramhall in c. v. of the foregoing Discourse, especially in pp. 68, 69, and 92—94, and also in c. iv. pp. 64—66, and c. x. pp. 156, 157; viz. to prove the several consecrations or confirmations of the Bishops specified, as recorded in Parker's Register, in contradiction to the fable of the Nag's Head consecration, by shewing either an identity or an agreement in a considerable number of dates and names and minute details (with but two or three exceptions), between that Register on the one hand, and, on the other, documents drawn from one or more of three independent sources; viz. 1. the Rolls (columns III. V. VI.), 2. the Registers of the several Bishops and Chapters, so far as they exist or could be consulted (columns IV. VIII.), 3. The State Paper Office; the case being further established by a similar correspondence between the Lambeth Register and evidence from other sources, independent of these; either relating to all or most of the Bishops named, which will be found at the end of the Table, or to each of them separately, which will be found in the separate notes to each name.

PROVINCE OF CANTERBURY.

I. Name of Bishop.	II. Name of See.	III. Congé d'Eslire.	IV. Election.	V. Royal Assent.	VI. Confirmation.	VII. Consecration.	VIII. Installation.	IX. Homage.	X. Restitution of Temporalties.
* i. Matthew Parker[a]	Canterbury.	July 18, 1559. (Rymer, xv. 536. —Reg. Park., see above p. 190.)	Aug. 1, 1559[b]. (Reg. Park.,—see above pp. 189—198.)	Dec. 6, 1559[c]. (Rym. xv. 549. —Reg. Park., see above pp. 178, 179.)	Dec. 9, 1559. (Reg. Park., see above pp. 175, &c.)	Dec. 17, 1559. (Reg. Park., see above pp. 203—206.)	[d]	Feb., 1559-60. (State Paper Office[e].)	March 21, 1559-60. (Rymer, xv. 573.)

* The names thus marked are those of the Bishops alleged to have been consecrated at the Nag's Head.

[a] See the evidence for Parker's case in detail, above cc. v. vi. pp. 71—103, especially p. 85. note f; and p. 150, note p. The change of style in Parker's Register, referred to in § 6 of the former note, is established by comparing together different entries of inductions, commissions, &c., in vol. i. of Reg. Park.; e. g. that of Christ. James "ad eccl'iam B.M. in Marisco Cant. Dioc." Dec. 12, 1559, by "Matth. Archiep. Cant. *electus et confirmatus*" (fol. 340. a), with the Commission of "Matth. Divinâ permissione Cant. Archiep." for

the confirm. of Grindal Dec. 18, 1559 (fol. 12. a). The MS. note alluded to in § 10 of the same note is as follows,—"*Iste Matthe*[s] *nat*[s] *fuit* 6 *Augusti* 1604" (sic).—"*Consecratur Archiep*[s] 17 *Decemb.* 1559.—*Ultima Voluntas facta* 5 *Aprilis* 1575.—*Moritur Lamheti* (*q*° *sepilit*[r]). 17 *Maij* 1575.—*funeralia i. Lamh: Eccl'ia—Testament: probatio p'. ex:* 1° *Oct.* 1575." It is in John Parker's handwriting, as appears by other entries in the same hand; e. g. by one attached to Parker's name in the list of Cambr. Vice-Chancellors in the same volume, viz. "hoc anno nat[s] fui Joh'es Parker fili[s] p'ca'cell." The abstract alluded to in the same §, gives the dates of Royal Assent and Consecration, the names of the consecrators, witnesses, and lawyers who signed the certificate, correctly (unless that the Suffr. of Bedf. is once called Richard); and is headed "Ex Archivis Archie'pi Cant." &c. It seems to be in John Parker's handwriting. The evidence of the Zurich Letters alluded to in § 13 is as follows;—"Quidam ex nostris *designati* sunt Episcopi, *Parkerus Cantuariensis*, Coxus Norvicensis, Barlovus Cicestrensis, Scoræus Herefordensis, Grindallus Londinensis (nam Bonerus jussus est cedere): qui *quando adituri sint possessionem, nescio*" (Jewel to Peter Martyr, London, no date but fixed by Letters VII and XVI to July 20, 1559,—Epist. ix. p. 13. Originals, ed. Park. Soc.); "Audivi ex *Episcopo Cantuariensi*" (same to same, Lond. Nov. 2, 1559.—Epist. xix. p. 26. ibid.); "Episcopi adhuc *designati tantum* sunt; interim prædia pulchre augent fiscum" (same to same, Lond. Nov. 16, 1559,—Epist. xxiv. p. 32. ibid.); "Cum *nuper* essem Londini, *D. Parkerus Cantuariensis*," &c. (Parkhurst to Simler, Bishop's Cleeve, Dec. 20, 1559,—Epist. xxvi. p. 35. ibid.); "*Consecratio* Episcoporum aliquorum *jam* habita est; *D. Parkerus Cantuariensis*, D. Cox Eliensis, D. Grindal Londiniensis, D. Sandus Vigorniensis; notos tibi nomino: unus alius Wallus etiam est Episcopus, sed tibi ignotus: sequentur brevi D. Pilkintonus Vintoniensis, D. Benthamus Coventrensis, et tuus Juellus Sarisburiensis: brevi, inquam, ut audio, sunt isti consecrandi, ut nostro utar vocabulo" (Sampson to Peter Martyr, Jan. 6, [1559-60],—Epist. xxvii. p. 36. ibid.; Burnet, Records, Pt. III. bk. vi. num. 63.). Of these and the other letters the originals have been, and still are, preserved in either the archives of the state of Zurich or the library of that city; and with the exception of Cox's, F. Bedford's, and the Duke of Norfolk's, are wholly in the handwriting of their respective writers, the signatures only being so in the three cases excepted (Pref. to edit. of Park. Soc.). Their existence and (partially) their contents were first made known in England by Burnet (Letters &c. p. 53, and Hist. Ref.) in 1685. Add to the above evidence;—1. *Royal Letters Patents* presenting John Pilkington to the prebend of Mapesbury in the Cath. of St. Paul's, dated Nov. 20 (year not given) and addressed "Dec. et Capitulo Cantuar. sede vacante Episcopatus London." (Rym. xv. 584), which implies the see of Canterbury to be likewise vacant, fixed to Nov. 20, 1559 by Reg. Grindal (ap. Newcourt, vol. i. p. 175), dating Pilkington's installation into the same prebend Feb. 10, 1559-60; compared with similar *Letters Patents* presenting David Pade to the prebend of Sneating in same Cathedral dated Dec. 18 (Rym. ibid.) but addressed to Matthew "permissione divina Cantuar. Archiepiscopo, sede vacante Episcopatus London.," and fixed in the same way to the year 1559 by the installation of David Pade in the same prebend Dec. 28 of that year (Reg. Grind., ap. Newcourt, ibid. p. 211);—and similar *Letters Patents* for three benefices in St. David's Dioc. dated Dec. 10 (without year), addressed "Decano et Capitulo Cantuar. sede vacante Episcopatus Meneven." (Rym., ibid.), which implies also the vacancy of the see of Canterbury, and fixed to the year 1559 by the fact, that no vacancy of the see of St. David's after the consecration of Thomas Young Jan. 21, 1559-60, and prior to the death of Parker (within which period these writs are dated), included the month of December, Young being translated to York Feb. 25, 1560-1, and Davies of St. Asaph his successor confirmed in St David's May 21, 1561, and holding the see until his death in October 1581 (Reg. Park.—Le Neve).—2. *Letters in C.C.C.C. MSS.* (vol. 109. pp. 61, 65, 67; vol. 114. pp. 55, 77, 81), six in number, from Cecil or the Privy Council, addressed to the Archbishop of Canterbury "*elect*," dated severally Sept. 27, Oct. 5, Oct. 2, Nov. 9, Sept. 7, Sept. 23, 1559, and upon the subject of Bp. Tunstall and other "recusants;" another *Letter in same MSS.* (vol. 114. p. 53), to their "*Lordships*," Parker and Grindal, from the Privy Council, dated Aug. 24, 1559, about a Dr. Smith, with the reply of "your m. humble orator, *Matth. P.*—Lambheth, Aug. 27" (ibid. vol. 119. p. 110—see also Strype, Parker, bk. i. c. 10); and another *Letter in same MSS.* (vol. 114. p. 741), from Tho. Wotton of Bocton-Malherb (nephew of Dean Wotton), July 30, 1559, congratulating Parker on his promotion, and desiring to be his high-steward. There is a letter also in the same MSS. (vol. 114. p. 83), dated Nov. 2, 1559, endorsed merely for the "Archebyshop of Cant." 3. *Writ in State Paper Office*, Oct. 26, 1559, setting forth, that "whereas the Archebysshoppe elect of Canterbury and the other elect Bisshoppes of London, Ely, Hereford, and Chichester, remayne unconsecrated by reason that the exchange is not finished betwixt" the Queen "and them for certayn temporalties," and that "one whole year's rent" of the Ab'pric of Cant. and of the B'prics of Hereford and Chichester is due to the Queen, it is expedient that the exchange should be hastened. The reason here assigned for the delay of consecration might possibly be the true reason at the date of the writ; which is inaccurate however in another point, viz. in applying the term *unconsecrated* to the Bps. of Hereford and Chichester (Scory and Barlow).

[b] Chapter to appoint day of election July 22;—certif. of elect. made to Queen Aug. 1; proxy of Dean and Chapter Aug. 3; consent of Elect Bishop Aug. 6; proxy of Elect Bishop Dec. 7. 1559 (Reg. Park., above pp. 180—183, 189—199).

[c] Mandate also to confirm and consecrate.

[d] Mandate of confirmers to Archdeacon of Cant. (Edm. Gest) to inthrone Abp., Dec. 31, 1559;—Proxy of Archdeacon, to inthrone in his stead, Jan. 1, 1559-60;—Proxy of Abp., to be inthroned in his stead, Jan. 2, 1559-60 (Reg. Park., above). Edm. Gest presented to the Archidiaconate of Canterbury (Rym. xv. 543) Oct. 13, 1559 (Battely—Le Neve; but apparently by a mistaken inference from Rymer), on the deprivation of Harpsfield.

[e] See also Strype, Parker, bk. ii. c. 1; Collier, Ch. Hist., vol. ii. Records num. lxxxi. In the document in the State Paper Office there is a blank for the day of the month, and there are no signatures. The latter are given in the original document, which Strype copied.

I.	II.	III.	IV.	V.	VI.	VII.	VIII.	IX.	X.
* ii. Edmund Grindal[a]. (Reg. Park. fol. 12. a.—18. b.)	London.	June 22, 1559. (R. xv. 532:—Reg. Park.)	July 26, 1559[b]. (Reg. Park.—Reg. Grind.)	Dec. 18, 1559[c]. (Rot. Pat. 2. Eliz. p. 14. m. 11:—Reg. Park.)	Dec. 20, 1559[d]. (Reg. Park.)	Dec. 21, 1559[e]. (Reg. Park.—Reg. Grind.)	Dec. 23, 1559[f]. (Reg. Grind.)	Feb. 1559-60. (Same authorities as Parker's)	March 21, 1559-60[g]. (R. xv. 574.)

[a] Corrobor. Evidence;—1. *Reg. Park.* vol. i. fol. 146. a. Vacatio Sedis London p. depriv. Edm. Bonner, first and only institution by Parker as Abp., Dec. 14, 1559, of Rich. Coton to Vicarage of Braughyn (so also Reg. Bonner, ap. Newcourt i. 808); therefore Grindal was not then confirmed; 2. *Reg. Grind.*, first Commission (viz. to Thomas Huick, LL.D., to be his Vicar-general in Spirituals) Dec. 22, and first ordination Dec. 28, 1559; therefore he was then both confirmed and consecrated; 3. *Letters from Society of Pembroke Hall, Cambridge*, pressing him to accept the Mastership of the Hall although elected to a Bishopric, between July 21, when he was chosen Master, and Aug. 3, when he accepted the office (from MS. Life of Grindal among the Masters of Pembroke Hall, by Bp. Wren, quoted by Strype, Grindal, bk. ii. c. 16);—4. *Zurich Letters*, speaking of him as "*designatus Episcopus*," and to see of London, but not yet consecrated, July 20, Aug. 1, and Nov. 16, 1559 (see above, note a to Parker's name; and Zurich Letters, Epist. xvi. pp. 22, 23. orig.,—"Aliquot nostrorum *designamur* Episcopi; Coxus Eliensis, Scoreus Erfordiensis, Alanus Roffensis, *Grindallus Londinensis*, Barlovus Chichestrensis, et ego . . Sarisburiensis," Jewel to P. Martyr, Lond. Aug. 1, 1559; and again Epist. xxiv. p. 33. orig. "*Grindallus Londinensis*"), as already consecrated to that see Jan. 6, 1559-60 (see same note a.). 5. *Stow*, Descript. of London, p. 491, ed. 1603; assigning Dec. 21, 1559, as the day of Grindal's consecration to London. Stow (Chron. p. 640. ed. 1615) speaks of "Doctor Grindall Bishoppe of London" Sept. 9, 1559, and seemingly as already in possession of his palace, as Parker was also, although not yet confirmed in the see nor restored formally to its temporalties. It is perhaps hardly worth saying, that the expression was used by Stow several years after Grindal had been in the full sense of the words Bishop of London; just as, e.g., in the Life of Jewel publ. in 1685, the same Grindal is styled "Archbishop of York" in speaking of the year 1554 (in Wordsw. Eccl. Biogr., vol. iv. p. 336. 3rd edit.).

[b] Chapter to appoint day of election July 14;—Certif. to Queen of election made July 26;—Commission of Abp. Parker to Bullingham, Yale, and Leedes, to confirm, Dec. 18; Proxy of elect Bishop Dec. 16, 1559 (Reg. Park.—Reg. Capit. London). William Mey, Dean (Reg. Park.), restored to his Deanery by fresh election thereto June 23, 1559 (Newcourt, vol. i. p. 49).

[c] Mandate also to confirm and consecrate:—not printed in Rymer.

[d] Before Bullingham, Yale, and Leedes, by commission from Abp. Parker, in Bow Church; by proxy, viz. Thomas Huick, LL.D., afterwards his Vicar-General—see note a above.

[e] Lambeth Chapel;—by M. Cantuar., assistentibus W. Barlow quondam Bathon. et Wellen. Ep'o &c., J. Scory quondam &c., J. Hodgskin Bedf. Suff.

[f] Mandate of Archbp. to Archdeacon of Cant. (Edm. Gest) to inthrone, Dec. 21 (Reg. Park.).—Proxy of Archdn. Gest to Wm. May Dean of St. Paul's and others to inthrone in his stead Dec. 23 (Reg. Grind.).—Proxy of Bp. Grindal to Thos. Young, LL.D. and Rich. Alney, S.T.P. to be inthroned in his stead Dec. 22, 1559 (ibid.).

[g] Except for manors reserved, under author. of 1 Eliz. c. 19. § 2.

I.	II.	III.	IV.	V.	VI.	VII.	VIII.	IX.	X.
* i. Richard Cox[a]. (Reg. Park. fol. 19. a.—22. b.)	Ely.	July 18, 1559[b]. (R. xv. 537)	July 28, 1559[c]. (Reg. Park.)	Dec. 18, 1559[d]. (R. xv. 552, 553.—Reg. Park.)	Dec. 20, 1559[e]. (Reg. Park.)	Dec. 21, 1559 f. (Reg. Park.)	[g]	Feb. 1559-60. (same authorities as Parker's).	March 23, 1559-60.[h] R. xv. 575.)

[a] Elected in the first instance to Norwich (see below num. xiv). Corrobor. evidence of his election &c. to the see of Ely;—1. *Reg. Park.* vol. i. fol. 146. b. Vacatio sedis Elien. p. depriv. T. Thirlby, two inductions by Parker as Abp., the first Dec. 19, the second Dec. 21, 1559, of John Ebden, and John Pory, to prebendal stalls in Ely Cathedral (see Br. Willis).—2. *Reg. Cox*, ap. Couray., Déf. de la Diss., liv. iii. c. 3, marking Oct. 23, 1562 as "anno cons. 3tii;"—3. *Zurich Letters*, speaking of Cox as "designatus" to the see of Norwich July 20, 1559, to Ely Aug. 1, 1559, as (among the rest) "designatus tantum" Nov. 16, 1559, and to Ely, and as actually consecrated to Ely Jan. 6, 1559-60 (see above notes a upon Parker's and Grindal's names, and Epist. xxiv. p. 33. orig.).

[b] Congé d'Eslire received July 22;—Certif. to Queen of Election made July 28;—Proxy of Dean and Chapter Aug. 3;—Consent of Bishop elect Dec. 10; Proxy of Bishop elect Dec. 12, 1559 (Reg. Park.). Andrew Pearne, Dean (Reg. Park.), held that office from 1557 to 1589 (Wood, Fasti).

[c] Dated by some mistake July 21, by Br. Willis, Cathedr.

[d] Mandate also to confirm and consecrate;—misdated Dec. 28 in first edit. of Rymer (xxviii for xviii), but dated correctly Dec. 18 in the Roll itself, and in Rymer's own Table of Contents.

[e] Same place, persons, and authority as Grindal; by proxy, viz. Edward Gascoine, LL.D. (Reg. Park.), Prebendary of Ely in 1559 and Master of Jesus Coll. Cambr. (Br. Willis, Ely Cathedr.—Le Neve).

[f] Same place and persons as Grindal.

[g] The first leaves of Cox's own Register at Ely are wanting (Couray.).

[h] Except for reserved manors, as before.

I.	II.	III.	IV.	V.	VI.	VII.	VIII.	IX.	X.
* iv. Edwyn Sandys[a]. (Reg. Park. fol. 32. b.—39. a.)	Worcester.	Nov. 13, 1559. (R. xv. 549—Reg. Park.)	Nov. 25, 1559[b]. (Reg. Park.)	Dec. 18, 1559[c]. (R. xv. 550—Reg. Park.)	Dec. 20, 1559[d]. (Reg. Park.)	Dec. 21, 1559[e]. (Reg. Park.)	[f]	Feb. 1559-60. (same authorities as Parker's).	[g] (R. xv. 553).

[a] Corroborat. Evidence;—1. *Reg. Sandys*, and *Reg. Capit. Wigorn.*, marking *Oct.* 15, 1560 as "consecrat. nostræ anno *primo*," and *April* 8, 1570 as "cons. n. a. *undecimo*," and therefore dating his consecration between Oct. 15, 1559, and April 8, 1560 (extracts, ap. Couray. Déf. de la Diss., Pr. Just. art. x);—2. *Zurich Letters;*—Sandys in the north of England as an ecclesiastical commissioner from "the beginning of August" to "the beginning of November" (the Commission to which he belonged is dated June 24, 1559—ap. Burnet, Records, Pt. II. bk. iii. num. 7; and sat first at Nottingham Aug. 22—Strype, Annals, I. i. 245), and on his return to London, after considerable opposition from himself, nominated to the see of Worcester (Sandys, under signat. of "Edwin Wigorn.," to P. Martyr, April 1, 1560,—Epist. xxxi. p. 42. orig.; the Nag's Head Story is dated Sept. 9, 1559, and the Congé d'Eslire really issued for Sandys Nov. 13, 1559; he had been formerly nominated to Carlisle—see below num. xviii. note b.—but no documents appear to have been issued in the case); "Sandus Vigorniensis" (Epist. xxiv. p. 33. orig., Jewel to P. Martyr, Lond. Nov. 16, 1559); not consecrated Nov. 16, 1559, but already consecrated to Worcester Jan. 6, 1559-60 (see note a to Parker's name).

[b] Chapter to appoint day of election Nov. 23;—Certif. to the Queen of election made Nov. 25;—Proxy of Dean and Chapter Dec. 4;—Consent of elect Bishop Dec. 10;—Proxy of elect Bishop Dec. 18, 1559 (Reg. Park.).—Seth Holland, Dean, absent from ill health (Reg. Park.), installed Dean Aug. 12, 1557, deprived by Queen Eliz. and his successor installed Dec. 27, 1559 (Br. Willis, Cathedr., and Le Neve, from Reg. Wigorn.—the latter says he was deprived in Oct. 1559). Rich. Hall, Vicedean (Reg. Park.), held the seventh stall from 1554 to 1559, but was deprived, and succeeded in 1560 by Rich. Vernon (Br. Willis).

[c] Mandate also to confirm and consecrate.

[d] Same place, persons, and authority as Grindal and Cox; by proxy, Thomas Bentham (see below num. xii.).

[e] Same place and persons as Grindal and Cox.

[f] Proxy of Archdeacon of Canterbury, to inthrone in his stead Dec. 22, 1559 (Reg. Sandys, ap. Couray., Déf. de la Diss., iv. Just. Art. x. § 1).

[g] There is no date to this document in the Roll. That immediately preceding it is dated March 21, 1559-60; but much stress cannot be laid upon this circumstance. It excepts reserved manors, as before.

I.	II.	III.	IV.	V.	VI.	VII.	VIII.	IX.	X.
v. Rowland Meyrick[a]. (Reg. Park. fol. 28. b.—32. a.)	Bangor.	[b]	Dec. 1, 1559[c]. (Reg. Park.)	Dec. 18, 1559[d]. (R. xv. 552—Reg. Park.)	Dec. 20, 1559[e]. (Reg. Park.)	Dec. 21, 1559[f]. (Reg. Park.)	[g]	Feb. 1559-60. (Same authorities as Parker's.)	March 21, 1559-60[h]. (R. xv. 573.)

[a] Corrobor. Evidence:—1. *Commission* to (among others) Rowland Meyrick, L.L.D. to visit Welsh Dioceses, dated July 18, 1559 (Strype, Annals, I. i. 246. from Reg. Dec. et Capit. Cant.), arguing his *probable* absence from London during the autumn of 1559;—2. *Reg. Park.* vol. i. fol. 148. a. Vacatio Sedis Bangor. p. mortem Will. Glyn, one institution by Abp. during vacancy, viz. Dec. 12, 1559, of John Oxenbridge to the Church of Llanynis;—3. *Zurich Letters*, proving no Bishop to have been yet consecrated Nov. 16, 1559, and mentioning Meyrick Jan. 6, 1559-60, as "a Welshman," consecrated already and about the same time with Parker, Grindal, Cox, and Sandys (see above note a. to Parker's name).—A "Concessio in Commendam" dated Dec. 30, 1559 (Rym. xv. 556, 557), to Rowland "Merryck" Bishop of Bangor, styles him throughout "Episcopus Bangorensis *Electus;*" it was possibly drawn up previously to his consecration (as were those for the Bps. of St. Asaph and St. David's—see below num. viii. and ix.); but more probably not, as the term "electus" was at this time the usual style (whether the Bp. were already consecrated or no) in writs concerning temporalties.

[b] Congé d'Eslire not enrolled; nor recited in Reg. Parker. The Registers of this period at Bangor are lost or destroyed.

[c] Certif. to Queen of election made, Dec. 1;—Proxy of Dean and Chapter Dec. 2;—Consent of elect Bishop Dec. 14; Proxy of elect Bishop Sept. 17, 1559 (Reg. Park.). The last date seems to be a mistake for *Dec.* 17. Robert Evans Dean (Reg. Park.), was installed in that office Oct. 27, 1557, and continued in it until 1570 (Le Neve).

[d] Mandate also to confirm and consecrate.

[e] Same place, persons, and authority, as Grindal Cox, and Sandys; by proxy Walter Jones, LL.B. (Reg. Park.), Archd. of Brecknock before May 5, 1561 (Rym. xv. 611), in room of Downham (made Bp. of Chester) presented in 1559 or 1560 (Rym. xv. 562); afterwards Canon of Westminster (Le Neve).

[f] Same place and persons as the three before named.

[g] Registers of Bishop and of Dean and Chapter for this period lost.

[h] Without excepting any manors.

I.	II.	III.	IV.	V.	VI.	VII.	VIII.	IX.	X.
* vi. Nicholas Bullingham[a]. (Reg. Park. fol. 47. a.—50. b.)	Lincoln.	Nov. 25, 1559. (R. xv. 549.)	[b]	Jan. 12, 1559-60[c] (R. xv. 561, 562.—Reg. Park.)	Jan. 18, 1559-60[d] (Reg. Park.)	Jan. 21, 1559-60[e] (Reg. Park.)	Feb. 28, 1559-60[f] (Reg. Capit. Lincoln.)	Feb. 1559-60. (Same authorities as Parker's.)	April 8, 1560[g]. (R. xv. 579.)

[a] Corrobor. Evidence:—1. *Reg. Park.* vol. i. fol. 149 (bis) a.—150. Vacatio Sedis Lincoln p. depriv. Thom. Watson, institutions by Parker as Abp. during vacancy, first Dec. 20, 1559, of Henry Bagwell to the Church of Hatfield, last Feb. 13, 1559-60, of John Lunde to the Church of Brattleby, Probate of will Dec. 11, 1559;—2. *Reg. Bullingham*, first institution to a living by Nicholas, Bp. of Lincoln, Feb. 19, 1559 (why Bullingham should not have instituted on Feb. 13, I cannot explain; unless it was that he was otherwise and elsewhere engaged);—3. *Concessio in Commendam* to Nicholas Bullingham "in Episcopum Lincolniensem jam electo," dated Jan. 18, 1559-60 (Rym. xv. 564, 595).

[b] Proxy of Dean and Chapt. Sept. 17, 1559;—Proxy of elect Bishop Jan. 12, 1559-60 (Reg. Park.). The former date seems to be a mistake for *Dec.* 17; as in Meyrick's case. Roger Bromhall sub-dean (Reg. Park.), installed Prebendary of Lincoln Aug. 24, 1554, and sub-dean May 26, 1558, holding the office until his death in 1568 (Br. Willis, Cathedr.). The Chapter register of Bullingham's election is lost.

[c] Mandate also to confirm and consecrate.

[d] Before Thom. Yale, L L.D. (now Vicar General), and in Bow Church; by proxy, Rob. Weston, L.L.D.

[e] In Lambeth Chapel;—by M. Cantuar, assistentibus Edm. London., Rich. Elien., Joh. Hodgskin Bedf. Suff.

[f] "Penultimo die Feb."—1560 was a leap year. By mandate from "Edm. Geste" Archdeacon of Cant., and by proxy John Salisbury (Reg. Capit. Lincoln.); John Salisbury, Suffragan Bp. of Thetford, and Dean of Norwich, was installed Chancellor of Lincoln Dec. 4, 1554, was possessed of the office in 1560, and succeeded by Mich. Renniger Sept. 7, 1566 (Br. Willis, Linc. Cathedr.—Le Neve—Wood, Ath. Oxon.).

[g] Without excepting any manors. Bishop Holbeche had alienated a considerable number previously.—See Br. Willis.

I.	II.	III.	IV.	V.	VI.	VII.	VIII.	IX.	X.
* vii. John Jewel[a] (Reg. Park. fol. 43. a.—47. a.)	Salisbury.	July 27, 1557[b]. (R. xv. 537.)	Aug. 21, 1559[c]. (Reg. Park.)	Dec. 27, 1559[d]. (R. xv. 555.—Reg. Park.)	Jan. 18, 1559-60[e]. (Reg. Park.)	Jan. 21, 1559-60[f]. (Reg. Park.)	March 6, 1559-60. (Reg. Capit. Sarum[g].)	Feb. 1559-60. (Same authorities as Parker's.)	April 6, 1560[h]. (R. xv. 578.)

[a] Corrobor. Evidence:—1. *Reg. Park.* vol. i. fol. 148. a.—149. b. Vacatio Sedis Sarum p. mortem J. Capon, institutions by Parker as Abp. during vacancy, first Dec. 21, 1559, last Jan. 17, 1559-60, of Wm. Hemmesford to a prebend in Sarum Cathedral;—Parker also instituted James Goode to Ch. of St. Edmund's Sarum Jan. 16, 1559-60, who allowed it to lapse, and Feb. 20, 1559-60 "Joh. tunc Sarum E'pus" (fol. 148. b.) presented John Bullingham;—2. *Writs De Presentatione* in Rym. (xv. 501, 547), the first Jan. 27, 1558-9 addressed to the Dean and Chapter of Canterbury in the vacancy of both sees of Canterbury and Sarum, the second Nov. 2, 1559, to the Queen's Commissaries General, "inter alios, ad visitand. Eccl. Cath. Civit. et Dioc. Sarum" (of whom "John Jewel" was one), implying the continued vacancy of both sees;—3. *Commission* to (among others) John Jewel S.T.P. to visit the western dioceses, dated July 19, 1559 (Strype, Annals, I. i. 248. from Reg. Dec. et Capit. Cant.), compared with 4. *Zurich Letters*, Epist. xvi. p. 22. orig. (Jewel to Peter Martyr, London, Aug. 1, 1559), "*Mox ingredior* longinquam et difficilem legationem relig. constit. ergo," through the west of England, and Epist. xix. pp. 25—27. orig. (Same to same, London, Nov. 2, 1559), written the day after his return from the same journey, proving his absence from London at the alleged date of the Nag's Head story:—Further, *in the same letters* is evidence, that Jewel was appointed to this commission but not yet elected to a Bishopric July 20, 1559 (Epist. ix. pp. 13, 14. orig.—and see above note a to Parker's name), was "designatus" to Salisbury but not consecrated Aug. 1, Nov. 2, and Nov. 16, 1559 (see same note a and that also to Grindal's name and Epist. xxii. p. 29. orig.), not yet but soon to be consecrated to Salisbury Jan. 6, 1559-60 (see note a to Parker's name), already a Bishop Feb. 4, 1559-60 ("Tamen, quantum auguror, non scribam posthac ad te Episcopus"—Jewel to P. Martyr, London, Epist. xxix. p. 39. orig.), and March 5, 1559-60 ("Jo. Juellus, Sarisberiensis," to P. Martyr, London, Epist. xxx. p. 41. ibid.—Jewel's usual signature, to these his foreign friends, long after his Episcopate is "Jo. Juellus Anglus");—5. *Letter* of "Jo. Juel," and others his fellow-commissioners, to the Dean and Chapter of Exeter Dec. 16, 1559, and answer of Dean and Chapter Dec. 24, 1559, superscribed to (among others) "Lord John Juel *Bishop elect* of Sarum," in Wilkins' Concil., tom. iv. pp. 200, 201;—6. *Reg. Jewel*, Sarum, marking his first ordination June 9, 1560; and *Reg. Dec. et Capit. Sar.*, marking the years of his consecration agreeably to the date here given (Extracts, in Couray. Déf. de la Diss. Pr. Just. Art. x. pp. xciv, xcv);—7. *Life of Jewel* by Humfrey, p. 108, 4to., 1573 (publ. two years after Jewel's death, by a rigid Puritan, upon information derived from John Jewel the Bishop's brother, Parkhurst then Bp. of Norwich, his tutor and intimate friend, and others), "Januarii vicesimo primo anno Domini 1549" (sic) "Episcopus Sarisburiensis inauguratur";—8. Epitaph of Jewel, both that in Humfrey and that on Jewel's tomb (see

Wordsw., Eccl. Biogr., vol. iii. pp. 364, 365), assigning 11 years and 9 months in round figures to his Episcopate (he held his see actually 11 years 8 months 2 days), and marking the day of his death Sept. 23, 1571.

[b] Received Aug. 10,—Chapter to appoint day of election Aug. 16, 1559 (Reg. Park.).

[c] Certif. to Queen of election made Aug. 21, 1559;—Proxy of Dean and Chapter Jan. 16;—Proxy of elect Bishop Jan. 17, 1559-60 (Reg. Park.)

[d] Mandate also to confirm and consecrate. This writ varies in expression from all the others of the kind under the circumstances, being addressed, although subsequent in date to Parker's consecration, (not "Reverendissimo in Christi Patri Domino Mattheo Archiepiscopo Cantuariensi totius Angliæ Primati et Metropolitano," as are all the others from Grindal's downwards which belong to the province of Canterbury, but) "Omnibus Archiepiscopis Episcopis et aliis quibuscunque quorum in hac parte intererit;" which was the usual form during a vacancy of the metropolitan see (vide examples in Rymer, tom. xiv. pp. 375, 376, 404, 407, 408, for the dates March 24, 28, 1553-4, Aug. 17, Nov. 10, 1554). Probably the writ was drawn up earlier in the year and the date added when it was issued. As Jewel's election happened in August, it might very well have been drawn up, while it was still a question whether or no the Marian Bishops would consecrate under the new order of things. The see had been vacant since Oct. 6, 1557.

[e] Same place, person, and authority, as Bullingham; by proxy, Thos. Willet (see above p. 185, note j).

[f] Same persons and place as Bullingham.

[g] Extracts in Couray., Déf. de la Diss., Pr. Just. art. x. p. xciii:—by proxy, Thos. Lancaster (ibid.), sometime Bp. of Kildare in Ireland, but deprived in 1554 (Ware), succeeded Harding as Treasurer of Salisbury Jan. 2, 1559-60 (Reg. Sar., ap. Le Neve), afterw. Abp. of Armagh (id.).

[h] Except reserved manors.

I.	II.	III.	IV.	V.	VI.	VII.	VIII.	IX.	X.
* viii. Richard Davis[a] (Reg. Park. fol. 55. a. —59. b.)	St. Asaph	[b]	Dec. 4, 1559[c]. (Reg. Park.)	Dec. 18, 1559[d]. (R. xv. 551, 552.)	Jan. 18, 1559-60[e]. (Reg. Park.)	Jan. 21, 1559-60[f]. (Reg. Park.)	[g]	Feb. 1559-60. (Same authorities as Parker's.)	March 29, 1559-60. (R. xv. 577.)[h]

[a] The name is spelt Davys, Davyes, and Davyds in the Register, David in the Life of Parker in De Antiq. Brit. Eccl., and Davids in the Table of Consecrations.—Corrobor. evidence:—1. *A Concessio in Commendam* "Ricardo Davyes, Theol. Prof., Episcopo Assavensi *electo*," Jan. 4, 1559-60 (Rym. xv. 560—but see num. v. note a);—2. Zurich Letters, Epist. xxiv. p. 32. "Episcopi adhuc *designati tantum* sunt," Nov. 16, 1559. See also below p. 229. note c.

[b] Congé d'Eslire not in the Rolls, nor recorded in Reg. Park. The registers of the diocese so far as relates to Davis are lost.

[c] Certif. to Queen of election made Dec. 4;—Proxy of Dean and chapter Nov. 29;—Consent of Bishop elect Dec. 26; Proxy of Bishop elect Dec. 13, 1559 (Reg. Park.).

[d] Mandate also to confirm and consecrate. It is given, but dated "Nono Januar." in Reg. Park., probably from copying that for Thos. Young Bp. of St. David's, which precedes it in the Register (Young's consecrat. being recorded next before Davis's), and which is rightly dated to that day and month.

[e] Same place, person, and authority, as Jewel and Bullingham; by proxy Walter Jones, L.L.B. (see num. v. note e).

[f] Same place and persons as Jewel and Bullingham.

[g] Registers of Bishop and Chapter for this period lost.

[h] Without any reservation.

I.	II.	III.	IV.	V.	VI.	VII.	VIII.	IX.	X.
* ix. Thomas Young[a] (Reg. Park. fol. 50. b—55. a.)	St. David's	[b]	Dec. 6. 1559[c]. (Reg. Park.)	Jan. 9, 1559-60[d]. (R. xv. 561.—Reg. Park.)	Jan. 18, 1559-60[e]. (Reg. Park.)	Jan. 21, 1559-60[f]. (Reg. Park.)	[g]	Feb. 1559-60. (Same authorities as Parker's.)	March 23, 1559-60. (R. xv. 576.)[h]

[a] Afterwards translated to York—see below num. xxii. Corrobor. evidence of his consecrat. to St. David's;—1. *Reg. Park.* vol. i. fol. 149. b. Vacatio Sedis Meneven. p. depriv. Henr. Morgan, institution of Will. Hethe to a prebend in St. David's Cathedral by Parker as Abp. during vacancy Jan. 17, 1559-60, and an Admin. Bonorum of same date;—2. Three *Writs of Presentation* (Rym. xv. 584;—see above at the end of note a to Parker's name), proving see of St. David's vacant until Dec. 10, 1559;—3. *Concessio in Commendam*, Dec. 22, 1559, to Tho. Young "Episc. Menev. elect." (Rym. xv. 553—555);—4. *A Letter in State Paper Office*, from "Thos. Meneven." to Sir W. "Sicill" (Cecil), March 1559-60, about his Michaelmas rents.

[b] The Congé d'Eslire is not in the Rolls, nor is it recorded in Reg. Park.—The diocesan Register is lost.

[c] Certif. to Queen of election made Dec. 6, 1559;—Proxy of Dean and Chapter Jan. 10;—Consent of elect. Bishop Jan. 9, 1559-60; Proxy of elect Bishop Feb. 10, 1559-60 (Reg. Park.). The last date must be a mistake for *Jan.* 10.

[d] Mandate also to confirm and consecrate.

[e] Same place, person, and authority, as Jewel, Bullingham, and Davis; by proxy Walter Jones, L.L.B.

[f] Same place and persons as Jewel, Bullingham, and Davis.

[g] The Registers of the Bishop and Chapter of St. David's are lost for this period.

[h] Without any exception.

I.	II.	III.	IV.	V.	VI.	VII.	VIII.	IX.	X.
x. Edmund Gest.[a] (Reg. Park. fol. 59. b.—64. a.)	Rochester	Jan. 22, 1559-60 (R. xv. 566—Reg. Park.)	Jan. 29, 1559-60[b]. (Reg. Park.)	March 21, 1559-60[c]. (R. xv. 572—Reg. Park.)	March 23, 1559-60[d]. (Reg. Park.)	March 24, 1559-60[e]. (Reg. Park.)			May 3, 1560[f]. (R. xv. 580.)

[a] The name is so spelt in the Register and either so or Geste in such mandates of the Archdeacon of Canterbury (to which office he was nominated in 1559) as occur in the same Registers at this period. It is elsewhere spelt Gheast, and Guest. Corrobor. evidence:—1. *Reg. Park.* vol. i. fol. 151. a.—152 a, Vacatio Sedis Roffen. p. mortem Maur. Griffiths, Institutions by Parker as Abp. during vacancy, first Feb. 3, 1559-60 of John Bridgwater to the Archdeaconry of Rochester on present. of the Queen (his presentation Rym. xv. 562, but no date), second and last Feb. 4, 1559-60, sequestrat. of fruits of "Estwythin;" Admin. Bonor. Jan. 8, 1559-60; Probate of Will Feb. 21. 1559-60; Commission March 13, 1559-60;—2. *Sermon* (on Mark i. 15), *in C.C.C.C. MSS.*, vol. 104. pp. 273, &c., preached "p'. Edmundu. Guest, E'pum Roffensem, D. p'ma p^e" (? Dominica prima Pasche, i. e. April 21), 1560.—Edmund Allen was first nominated to this see by Qu. Eliz. (Zurich Letters, Aug. 1, 1559;—see above note a. to Grindal's name), his Congé d'Eslire is in Rymer (xv. 537) July 27, 1559; but died in August; and was buried Aug. 30, being spoken of as "elect Bishop of Rochester" (Diary in Cotton MSS., ap. Strype, Annals, I. i. 199);—"Alanus noster obiit diem suum, postquam designatus esset Episcopus Roffensis" (Jewel to P. Martyr, London Nov. 2, 1559, Zur. Lett., Epist. xix. p. 26. orig.).

[b] Certif., to Queen of election made Feb. 12;—Proxy of Dean and Chapter March 1;—Consent of Elect Bishop Feb. 11;—Proxy of elect Bishop March 20, 1559-60 (Reg. Park.). Walter Philipps Dean (Reg. Park.),—he had been the last Prior, but surrendered his Convent into the hands of Hen. VIII., and was by him constituted the first Dean, which office he held until his death in 1570 (Le Neve, from Wharton and Wood's Ath. Oxon.).

[c] Mandate also to confirm and consecrate.

[d] Same place, person, and authority, as before; by proxy, Rob. Cole, Rector of Bow Church. Rob. Coles, instituted to that rectory Dec. 23, 1559, vacated it by death in 1577 (Newcourt, i. 439).

[e] Lambeth Chapel;—by M. Cantuar. assistentibus Nic. Lincoln., Jo. Sarum.

[f] Without any reservation.

I.	II.	III.	IV.	V.	VI.	VII.	VIII.	IX.	X.
* xi. Gilbert Barkley[a]. (Reg. Park. fol. 70. a.—74. b.)	Bath and Wells.	Jan. 11, 1559-60. (R. xv. 561.)	Jan. 29, 1559-60[b]. (Reg. Park.)	March 20, 1559-60[c]. (R. xv 572.—Reg. Park.)	March 23, 1559-60[d]. (Reg. Park.)	March 24, 1559-60[e]. (Reg. Park.)			July 10, 1560[f]. (R. xv. 598.)

[a] The name is spelt variously in the Register and in Parker's Life and Table and elsewhere, viz. Barckley, Berckley, Berkeley, Barclay, &c. Corrobor. evidence:—1. *Reg. Park.* vol. i. fol. 150. b.—151. a, Vacatio Sedis Bathon. et Wellen. p. depriv. Gilb. Bourne, Institutions by Parker as Abp. during vacancy, first Feb. 3, 1559-60 of Henry Sommer to a stall in Wells Cathedral, last Feb. 17, 1559-60 of Rich. Hughes to a similar preferment;—2. *Writ of Presentation* of Griffin Williams to a stall in Wells Cathedral directed "Mattheo Cantuar. Archiepiscopo sede vacante Episcopatus Bathon. et Wellen." (Rym. xv. 586), dated March 22, and fixed to March 22, 1559-60 by the fact, that no vacancy whatever of the see occurred after Barkley's consecration until subsequently to Parker's death, Barkley holding the see until his own death in Nov. 1581 (Reg. Barkley, in Le Neve); probably Barkley inducted this person himself, as the writ is dated only one day prior to his confirmation, and the induction is not entered in Reg. Park.;—3. *Zurich Letters*, no Bishops yet consecrated Nov. 16, 1559 (see note a. on Parker's name).

[b] Congé d'Eslire received Jan. 20;—Certif. to Queen of election made Jan. 30;—Proxy of Dean and Chapter March 20;—Consent of elect Bishop Feb. 4; Proxy of elect Bishop March 20, 1559-60 (Reg. Park.). Wm. Bourman Sub-dean presided (Reg. Park.), therefore the Dean was absent; John Goodman Dean was deprived in 1560, and Rob. Turner restored (Le Neve); Wm. Bourman Subdean from 1531 to 1572 (Le Neve, from Reg. of Bps. Clerke and Barkely).

[c] Mandate also to confirm and consecrate.

[d] Same place, person, and authority, as before; by proxy, Rob. Cole, Rector of Bow Church. See num. x. note d.

[e] Same place and persons as Gest.

[f] Except reserved manors.

I.	II.	III.	IV.	V.	VI.	VII.	VIII.	IX.	X.
* xii. Thomas Bentham[a]. (Reg. Park. fol. 64. a.—70. b.)	Lichfield and Coventry	Dec. 27, 1559. (R. xv. 555.—Reg. Park.)	Jan. 15, 1559-60[b]. (Reg. Park.)	Feb. 20, 1559-60[c]. (R. xv. 568.—Reg. Park.)	March 23, 1559-60[d]. (Reg. Park.)	March 24, 1559-60[e]. (Reg. Park.)	[f]		July 8, 1560[g]. (R. xv. 597.)

[a] Corrobor. evidence:—1. *Reg. Park.* vol. i. fol. 175. b—178. a, Vacatio Sedis Lichf. et Covent. p. depriv. Radulph. Bayne, Commissions from Abp. during vacancy delegating jurisdiction &c., Dec.

22, and 24, 1559, and Feb. 10, 1559-60, Institutions by Abp. under same circumstances, first Feb. 16, 1559-60, of George Grayme to Ch. of Stratton, second and last March 4, 1559-60 of Tho. Pagett to a prebend in Lichf. Cathed. (admitted thereto March 15, 1559-60, Br. Willis from Chapt. Reg.), Administ. Bonor. under same circumstances Dec. 19, 1559 and Jan. 29, 1559-60;—2. *Zurich Letters*, Bentham in London as a preacher Jan. 26, 1559 (Jewel to P. Martyr, Strasburgh,—Epist. iii. p. 4. Orig.), not yet consecrated (among the others) Nov. 16, 1559, but shortly to be so and to Coventry Jan. 6, 1559-60 (see in note a to Parker's name). Br. Willis gives Dec. 26. as the date of the Congé d'Eslire.

[b] Chapter to appoint day of election Jan. 6; —Certif. to Queen of election made Jan. 15;—Consent of elect Bishop Jan. 23;—Proxy of elect Bishop March 20, 1559-60 (Reg. Park.). Dean not present at election (Reg. Park.), John Ramridge Dean April 2, 1554, imprisoned for his religion 1558 (Br. Willis); his successor Nowell installed April 29, 1559 (Id.); President of Chapter Rich. Walker (Reg. Park.), Prebendary from 1542 to 1567, made dean of Chester in 1558 (Br. Willis).

[c] Mandate also to confirm and consecrate.

[d] Same place, person, and authority as before; by proxy, Rob. Cole, Rector of Bow Church. See num. x. note d.

[e] Same place and persons as Gest and Barkley.

[f] No document can be found in Chapter Register.

[g] Except reserved manors.

I.	II.	III.	IV.	V.	VI.	VII.	VIII.	IX.	X.
* xiii. William Alley[a]. (Reg. Park. 74 b.—80 a.)	Exeter.	April 27, 1560[b]. (R. xv. 579—Reg. Park.)	May 20, 1560[c]. (Reg. Park.)	June 8, 1560[d]. (R. xv. 589—Reg. Park.)	June 13, 1560[e]. (Reg. Park.)	July 14, 1560[f]. (Reg. Park.)		[g]	Aug. 6, 1560[h]. (R. xv. 600.)

[a] Corrobor. evidence:—1. *Reg. Park.* vol. i. fol. 171. b—175. a, Vacatio Sedis Exon. p. depriv. Turberville, Institutions by Parker as Abp. during vacancy, the first Jan. 20, 1559-60, of Rich. Tremayne to Treasurership of Exeter Cathedr. (installed Oct. 27, 1561, Reg. Exon. ap. Le Neve), the last June 21, 1560 of Nich. Arstoff to Ch. of "Dodstombleigh;" other acts between these dates;—2. *Reg. Alley, Exon.*, dating the first institution to a living by Alley as Bishop Sept. 7, 1560;—3. *Writ of Presentation* to Rectory of Hawlesworth Exon. Dioc., addressed "Rev^mo in Xpo. Patri d'no Mattheo," &c., "ejusve Vicario in spiritualibus generali, aut alii cuicumque . . potestatem habenti," &c. and dated Jan. 15, 1559-60 (Rym. xv. 562);—4. *Table of Consecrations* in the De Antiq. Brit. Eccl., giving see, year, month, and day of consecration correctly (Alley is overlooked by some accident in the Life of Parker, but mentioned by name—from the Table—by the Puritan translator of the Historiola,—see above p. 92, note q);—5. *MS. Diary* in Strype I. i. 299. "Alley Bp. elect of Exeter preached at Court April 2, 1560;—6. *Letter of Mr. Honning to the Earl of Sussex* in May or June 1560 (in Strype, Annals I. i. 306);—"Dr. May Dean of St. Paul's is now resolvedly appointed to the see of York; *Mr. Alley*, a jolly preacher, *hath Exeter;* and with the same, for the tenuity of that living, a promotion or two for five years; like as Mr. Parkhurst, elect of Norwich, hath a like for three years," &c.—7. *Letter from Alley, elect of Exeter* (in C.C.C.C. MSS., vol. 114. p. 471), to Abp. Parker, July 11, 1560, London, wherein he desires to be consecrated the Sunday following (which was July 14), and "not to wait for my Ld. of Norwich, who will not proceede but a little before Mychellmas;" and asks whether he shall not "warne my L. of London and my L. of Bathe to attend" upon the Abp. on that Sunday.

[b] This is entered in the Chapter Reg. at Exeter as dated in March, with a blank for the day—possibly it was entered without consulting the original document; or March may be miswritten or misread for May (see the first date in next note). Parker's Register and the Rolls coincide exactly, and in the date given above.

[c] Congé d'Eslire received May 5 (Reg. Capit. Exon.);—Chapter to appoint day of election May 7 (Reg. Park.);—Certif. to Qu. of election made May 21 (Reg. Capit. Exon.);—Proxy of Dean and Chapter June 1;—Consent of elect Bishop (no date);—Proxy of elect Bishop June 12, 1560 (Reg. Park.). Wm. Leveson, Chancellor, presided at the election (Reg. Park.); installed in that office Jan. 21, 1537 (Reg. Exon. ap. Le Neve), retained it until 1583 (Id.).

[d] Mandate also to confirm and consecrate.

[e] Same place, person, and authority, as before; by proxy, Will. Aubrey L.L.D. (Reg. Park.), Reg. Prof. of Civil Law at Oxford from Oct. 7, 1553 until Feb. 23, 1559, when he resigned (Rym. xv. 503).

[f] Lambeth Chapel:—by M. Cantuar., assistentibus Edm. London., Gilb. Bathon. et Wellen. See note a in fin.

[g] No record of installation is preserved in the Chapter Registers.

[h] Except reserved Manors. Le Neve gives the date of this writ as Aug. 26, I suppose by a misprint.

I.	II.	III.	IV.	V.	VI.	VII.	VIII.	IX.	X.
* xiv. John Parkhurst[a] (Reg. Park. fol. 80. a—84. a.)	Norwich.	March 27, 1559-60. (R. xv. 577.)	April 13, 1560. (Reg. Capit. Norwic[b].)	June 10, 1560[c]. (R. xv. 598—Reg. Park.)	Aug. 26, 1560[d]. (Reg. Park.)	Sept. 1, 1560[e]. (Reg. Park.)	Sept. 27, 1560. (Reg. Capit. Norwic[f].)		Oct. 4, 1560[g]. (R. xv. 603, 604.)

[a] Cox (afterw. Bp. of Ely) was first nominated to the see of Norwich on Qu. Elizabeth's accession (Zurich Letters, July 20, 1559,—Jewel to P. Martyr—see note a to Parker's name), his election to that see (by Congé d'Eslire of June 5, 1559,—Rym. xv. 528) taking place about June 29, 1559

(Blomef., Hist. of Norfolk, vol. iii. Norwich Pt. i. p. 553. ed. 1806,—from Norwich Registers). On his removal to Ely in July 1559 (which must have taken place while Jewel was writing, July 20, in London—Zur. Lett. above quoted), it appears that the see was offered to Thos. Sampson (afterwards for 3 years Dean of Ch. Ch. but deprived for non-conformity), who upon Puritan scruples resolutely refused it (Zur. Lett., Samps. to P. Martyr, Jan. 6, 1559-60—no place named,—and London May 13, 1560, speaking of a long resistance at length successful,—Epistt. xxvii. xxxii. pp. 36, 44. orig.). Sampson's second letter implies that the matter had never proceeded so far as an actual nomination; and accordingly no documents exist relating to it either in the Rolls or (judging by Blomefield's silence) in the Chapter Register.—Corrobor. evidence of Parkhurst's consecration:—1. *Reg. Park.* vol. i. fol. 152. b—155. a, Vacatio sedis Norwicen. p. mortem Joh. Hopton, Commission by Parker as Abp. during vacancy to exercise jurisdiction Jan. 10, 1559-60; Institutions under same circumstances, first Feb. 7, 1559-60 of Richard Smith to Ch. of "Baighton," last Aug. 29, 1560 of — Matchet to St. Clement's-by-Bridge, Norwich;—2. *Zurich Letters*, Parkhurst restored to his rectory of Bishop's Cleeve and there resident (but not continuously) from Sept. 2 to Dec. 20, 1559 (Epist. xx. Jewel to Gualter, xxii. Jewel to Simler, xxvi. Parkhurst to Simler, pp. 27, 29, 35. orig.), and not yet a Bishop Dec. 20, 1559 (Epist. xxvi. p. 35. ibid.), "nunc Episcopatum illum Nordovicensem tenet" (Samps. to P. Martyr, May 13, 1560, above quoted), "factus est Episcopus Norvicensis" (Jewel to P. Martyr, London, May 22, 1560,—Epist. xxxiii. p. 46. ibid.), consecrated to the see of Norwich after Aug. 23, 1560 ("Johannes Parkhurstus" to Hen. Bullinger, London, of date named,—Epist. xxxvii. p. 53. ibid.) and before March 9, 1560-1 ("Johannes Parkhurstus Nordovicensis" to Wolf, Simler, and Lavater, Norwich, of date named,—Epist. xxxix. p. 56. ibid.—adhering thenceforward invariably to the latter signature, either at length or abridged, and through upwards of a score of letters);—3. *Letter of Mr. Honning* in May or June 1560, and 4. *Letter of Alley* July 11, 1560 (see note a to Alley's name), Parkhurst "elect of Norwich" at the first date, designing to be consecrated at Michaelmas at the second;—5. *Letters in C.C.C.C. MSS.* (vol. 114. pp. 477, 480), from "*John Parkhurst*" April 12, 1560, and "*Joh. Norwic.*" Dec. 10, 1560, both to Parker. The Life of Parker in the De Antiq. Brit. Eccl. dates Parkhurst's consecration to Norwich in the year after Parker's consecration; which is of course inaccurate.

[b] In Blomefield, as quoted in note a above. Proxy of Dean and Chapter April 20;—Proxy of elect Bishop Aug. 23, 1560 (Reg. Park.). In C.C.C.C. MSS. (vol. 114. pp. 447, 811, and 247) are three Letters to Parker; one from "John Parkhurst," Bishop's Cleve, April 12, 1560 (the day before his election), excusing his not coming to Court on account of illness; the second from Miles Spencer, Chancellor of the Diocese (from 1537 to 1566, alone or jointly,—Le Neve), Norwich, April 18, 1560, that he had "sent up the Chapter's election of their new Bp. sealed with the Chapter seal;" the third from Ld. Wentworth, desiring Parker to hasten the departure of the Bp. of Norwich into his see, "having knowledge that a bisshop is elected for that diocesse," Higgesden, May 17, 1560.

[c] Mandate also to confirm and consecrate.

[d] Same place, persons, and authority as in preceding cases; by proxy Tho. Huick, L.L.D.

[e] Lambeth Chapel:—by M. Cantuar., assistentibus Gilb. Bathon. et Wellen., Guil. Exon.

[f] In Blomefield, as quoted in note a above. Parkhurst was installed by John Salisbury, Dean (id. ibid.), the same who was suffragan Bishop of Thetford.

[g] Except reserved manors. This writ is dated Oct. 24 in Blomefield, I suppose by a misprint.

I.	II.	III.	IV.	V.	VI.	VII.	VIII.	IX.	X.
* xv. { Robert Hornea (Reg. Park. fol. 84.b.—88. b.)	Winchester.	May 26[b]. (R. xv. 613.)	Dec. 10, 1560[c]. (Reg. Capit. Winton.)	Feb. 12, 1560-1[d]. (Reg. Park.—Not enrolled, and therefore not printed in Rymer.)	Feb. 15, 1560-1[e]. (Reg. Park.)	Feb. 16, 1560-1[f]. (Reg. Park.)	March11, 1560-1[g]. (Reg. Capit. Winton.)		Feb. 18, 1560-1[h]. in part (R. xv. 606, 607). Aug. 5, 1575 for reserved manors (R. xv. 744.).

[a] James Pilkington was first elected to the see of Winchester on Qu. Elizabeth's accession,—Congé d'Eslire Dec. 18, 1559 (Rym. xv. 552), received by Chapter Jan. 23, election Jan. 31, certified to Queen Feb. 1, and to Pilkington same day, proxy "ad requir. consens. d'ni electi" same day, and general proxy of Dean and Chapter to require royal consent, &c. March 14, 1559-60 (Reg. Capit. Winton.);—but no further steps were taken. In the index to the Chapter Reg., the documents just mentioned are referred to as "Certificatorium Decani et Capituli de electione E'pi." with the addition in a later hand of "Jacobi Pilkyngton postea *deprivati*." He was nominated, before Nov. 1560, to the see of Durham; see below num. xvii. In State Paper Office is a rough draft of a letter missive to the Dean and Chapter of Winchester, Nov. 24, 1560, setting forth, that "whereas by vertue of" the Queen's "former lrs. and Congé d'Eslire" they had "heretofore" elected "—Pilkington to the bisshopricke of Winchester," and had certified such election both to the Qu. and to Pilkington himself, and that the latter had "accepted" the election, the Qu. now "let" them "to wit, that sithence that acceptance" she had "thought meet to name hym to the Bisshopricke of Duresme," and therefore had "foreborne" her "assent toward him for the Bisshopricke of Winchester;" and required them accordingly, "that uppon receypt of" her "Congé d'Eslire, and of lrs. recommendatory of late written on behalfe of Doctor Horne," they would "proceed to the election of him to the s. see of Winchester." In the Zurich Letters (Sampson to Peter Martyr, Jan. 6, 1559-60, see above note a to Parker),

Pilkington is called "Vintoniensis," but spoken of as not yet consecrated. In same Letters (Jewel to Peter Martyr, Nov. 6, 1560,—Epist. xxxviii. pp. 54, 55. orig.), "*D. Hornus* erit Episcopus Vintoniensis."—Further evidence corroborative of Horne's election and consecration;—1. *Reg. Parker*, vol. i. fol. 164. b.—171. a. Vacatio sedis Winton. p. depriv. Joh. White, institutions by Abp. during vacancy from Dec. 14, 1559 to Feb. 15, 1560-1 (fol. 170. b.) the last being of Joh. Walton to Ch. of Wynchfield, last Admin. Bonorum Nov. 12, 1560 (fol. 171. a);—2. *Reg. Horne* (extracts printed in Couray., Def. de la Diss., Pr. Just. Art. X. § iii. num. 7), which marks e. g. March 12, 1561-2, and July 8, 1562, to have been both "Consecrationis nostræ anno secundo;" therefore he was consecrated between July 8, 1560, and March 12, 1560-1, Sept. 1559 being the alleged date of the Nag's Head story;—3. *Letters in State Paper Office*, from "Rob. Horn," Febr. 18, 1559-60, Duresme, and Nov. 13, 1560, also from Durham by internal evidence, both to Sir W. Cecil, and on business relating to Horne's Deanery of Durham, proving him no Bishop 13 months after the date assigned to the N. H. fable;—4. *Letters in C.C.C.C. MSS.*, vol. 114. pp. 127, 845, from the Marquis of Winchester and Dr. Bill, Dean of Westminster to Abp. Parker, relating to the appointment of preachers in vacant dioceses, viz. *Winchester* and the North, July 17 and 18, 1560;—5. *Feckenham's* "Declaration of such scruples and staies of conscience touchynge the Othe of Supremacy delivered by writing to Dr. Horne Bp. of Winchester," styling him "Lord Bishop," &c., in 1565, Feckenham being the deprived Abbot of Westminster (this tract in Latin is in Reyner, Apostol. Benedict., Tract. I. sect. iii. § 3. Douay 1626;—Horne's "Answeare," 1566);—6. *Stapleton*, in his "Counterblast" to Horne's Answer, Pref., arguing on the *fact* of Horne's consecration by Edward the Sixth's ordinal (see above pp. 79. note p.—98. note u.);—7. *Bonner*, in a similar way (see above p. 79. note p.).

[b] This writ is entered on the Rolls of 3 Eliz., which would be 1561. The year is not given in the document itself.

[c] Receipt of Congé d'Eslire Dec. 4,—Certif. to Queen Dec. 11.—Certif. Ep'o Winton Electo same day,—Procurat. ad requirend. consens. D'ni Electi same day, 1560 (Reg. Capit. Winton.). The election was made, accord. to the same register, "subito et repente quasi Spiritu Suffragia rogante ac eo ut reddamus *inspirante*" (see above p. 195. note o). Proxy of Dean and Chapter Dec. 11, 1560;—Proxy of elect Bishop Feb. 14, 1560-1 (Reg. Park.).

[d] Royal Assent and Mandate to Confirm and Consecrate.

[e] Before Dr. Yale in Bow Church; by proxy, viz. Jo. Mullyns, Archdeacon of London (Reg. Park.); collated to that Archd. Dec. 13, 1559, on depriv. of Harpsfield (Reg. Bonner, ap. Le Neve).

[f] Lambeth Chapel;—by Matt. Cantuar., assistentibus "Thome Young Meneven. E'po electo Eboracen.," Edm. London, Tho. Lichf. et Cov. Young was elected to York Jan. 27, and consecrated Feb. 25, 1560-1 (see below num. xxii).

[g] By William Overton his proxy (Reg. Capit. Winton.); who was inducted Prebendary of Winchester in the end of 1559 (ibid.), and in 1580 made Bp. of Lichf. and Cov., besides other preferments (Wood, Athen. Oxon.,—Br. Willis). Certif. of Parker as Abp. to the Archdeacon of Canterbury, directing his enthronization Feb. 17,—Commission of Archdeacon of Cant. to enthrone Feb. 19,—Proxy of Horne to Wm. Overton and Michael Renniger to be enthroned in his stead Feb. 19, 1560-1 (Reg. Episc. Winton., ap. Couray., Déf. de la Diss., Pr. Just. art. x. § iii. num. 4-6).

[h] Composition of "Robertus permissione divinâ Winton. E'pus" for first fruits, dated March 20, 1560-1, by virtue of a royal warrant dated March 18, 1560-1 (from the Records of First Fruits and Tenths Office, now in the custody of the Master of the Rolls); which marks him to have received the temporalties of the see since the previous Michaelmas.

I.	II.	III.	IV.	V.	VI.	VII.	VIII.	IX.	X.
* xvi. { Edmund Scambler[a]. (Reg. Park. fol. 82. b.—99. a.	Peterborough.	Nov. 21[b], 1560. (State Paper Office.)	Dec. 21[c], 1560. (State Paper Office.)	Feb. 4, 1560-1[d]. (R. xv. 606—Reg. Park.)	Feb. 15, 1560-1[e]. (Reg. Park.)	Feb. 16, 1560-1[f]. (Reg. Park.)			[g]

[a] The name probably should be Scamler. It is so spelt in the Bishop's epitaph (in Br. Willis, Cathedr.). Corrobor. evidence of his consecration to Peterborough;—1. *Reg. Park.* vol. i. fol. 160. b.—164. a, Vacatio sedis Petriburg. p. depriv. David Pole, Commission to exercise jurisdiction by Abp. during vacancy, Jan. 10, 1559-60, Institutions under same circumstances, first Dec. 30, 1559 of George Butman to Ch. of Barnwell, last March 10, 1560-1 of Wm. Vens to Vicar. of Euston (why Scambler did not institute in the last case I do not understand);—2. *Writ of Presentation* of "*Edmundus Scamler*" to Prebend of Wystow in York Cathedral (Rym. xv. 563, without date), dated April 6, 1560 (Br. Willis, Cathedr.);—3. *MS. Diary*, in Strype, Annals I. i. 300, "Scamler, the Abp's. Chaplain," preached at St. Paul's Cross May 26, 1560.

[b] From the Orig. Certif. of Election to Qu. under the Chapter Seal, in the State Paper Office. This document is not entered in Parker's Register, nor is the Congé d'Eslire in the Rolls. Qu's. Letter Missive Nov. 11, 1560 (Reg. Capit. Petrib., ap. Gunton, Hist. of Cathed. of Peterb., p. 71).

[c] Certified to the Qu. same day (ibid.). Wm. Latymer, Dean (ibid.); appointed to the Deanery in 1560 on the depriv. of John Boxall (Br. Willis). Proxy of Dean and Chapter Feb. 11;—Proxy of elect Bishop Feb. 13, 1560-1 (Reg. Park.).

[d] Mandate also to confirm and consecrate.

[e] Same place, person, and authority as before; proxy Antony Burton, M.A., clerk.

[f] Same place and persons as Horne.

[g] Not enrolled.

PROVINCE OF YORK.

	I.	II.	III.	IV.	V.	VI.	VII.	VIII.	IX.	X.
• xvii.	Jas. Pilkington[a].	Durham.	Dec. 26. 1560. (R. xv. 605.		Feb. 20, 1559, 60. (R. xv. 607.)		March 2, 1560, 1.	April 10, 1560. (Surtees, Hist. of Durh., I. lxxii.)		March 15, 1560-1, and June 13, 1566. (R. xv. 608, 662.)
• xviii.	John Best[b]	Carlisle.					March 2, 1560, 1.			April 18, 1560. (R. xv. 610.)
• xix.	William Downham[c].	Chester.			May 1, 1561. (R. xv. 610.)		May 4, 1561.			May 9, 1561. (R. xv. 612.)

[a] First elected to Winchester (see above note a to num. xv), eight months before his nomination to Durham. Of the steps above given, the Royal Assent contains also a mandate to confirm and consecrate; the date of consecration rests upon the authority of the Table of Consecrations in the De Antiq. Brit. Eccl. for day and month, corrected in the year from 1561 (i. e. 1561-2) to 1560 (i. e. 1560-1) in both this and Best's case, on the authority of the Writs of Restitution of Temporalties; and of these last documents, the first in Pilkington's case excepts reserved manors, and is dated March 25 (in figures) in Rymer p. 609, but recited in the second writ (which restores the reserved manors also) as dated (in words) March 15. Of the election, confirmation, and consecration, no records are preserved in the York Registers. A writ "De offic. Vicecomitis sede Dunelm. vacante," Feb. 27, 1559-60, is in Rymer (xv. 569), and a "Commissio ad capiend. sacram. ab Ecclesiasticis in prov. Ebor.," addressed (among others) "Thomæ Ebor. Archiep. Angl. Primati Metropolitani," "Jacobo Dunelm. Episc.," and "Johanni Carliol. Episc.," May 5, 1561, is also in Rymer (xv. 611, 612). The latter however *proves* only election.

[b] Sandys was first intended for Carlisle (see above note a to num. iv.), but no Congé d'Eslire appears to have been issued in his case nor any step taken. On his nomination to Worcester, it was pressed upon the acceptance of Bernard Gilpin, first by the Earl of Bedford (Carleton's Life of Gilpin, in Wordsw., Eccl. Biogr., vol. iii. pp. 395, 396. 3rd edit.), who sent him the Congé d'Eslire (Id., ibid. —in Rym. xv. 577, dated March 27, 1559-60), and then by Sandys, who was his kinsman, in a letter dated April 4, 1560 (Id. Ibid.), but in vain.—Of the steps above given relating to Best, the date of consecration depends on the same authority precisely as that of Pilkington, there being no records in Carlisle or York Registers, either of election, confirmation, or consecration; the writ of restitution contains no reservation (Sandys had been authorized to promise this to Gilpin if *he* would accept the see); the Congé d'Eslire and Royal Assent are not in Rymer, nor in the Rolls.

[c] The date of Downham's consecration rests upon the authority of the Table of Consecrations in the De Antiq. Brit. Eccl., as above. It stands between those of Pilkington and Best, which may account for the error made in giving the year of their consecrations. A letter from "yours to command Will'm *Bisshop elect* of Chester," May 4, 1561, dated at "the Court," to Abp. Parker, is in C.C.C.C. MSS., vol. 114. p. 523; desiring a dispensation for his chaplain to hold two livings. And a Presentation, of Edw. Freers to Vicar. of Brigham, Chest. dioc., addressed to *the Dean and Chapter of York*, July 29, 1560, is in Rymer (xv. 600). No record is preserved in Chester or York Registers, of either election, confirmation, or consecration; neither is the Congé d'Eslire in the Rolls or in Rymer; the Royal Assent contains likewise a command to confirm and consecrate; and the writ of restitution has no reservations.

xx. William Barlow. The question relating to the original consecration of this Bishop stands briefly as follows.—It is undeniable, that no doubt whatever upon the subject could be now supported (against the concurrent acknowledgment of friends and foes, Church and State, for a period of 80 years from the date assigned to it), were not certain presumptions supposed to lie against the account given of its performance. These presumptions are, first and chiefly, the want of the ordinary record in the Abp's. Register, next, the supposed absence of Barlow in Scotland at the time assigned, thirdly, the assertion, that others who passed for Bishops at the time were likewise unconsecrated. Now the first presumption has been proved to be inconclusive, and the second to be groundless, above p. 138, note d, &c. For the third, which appears to be equally groundless, and for some further information relative to the others, see the end of the Preface to the present volume.

xxi. For the original consecration of Scory, see p. 70. note s. above.

CONFIRMATIONS.

I. Name of Bishop.	II. Name of See.	III. Congé d'Eslire.	IV. Election.	V. Royal Assent.	VI. Confirmation.	VII. Installation.	VIII. Homage.	IX. Restit. of Temporalties.
xx. William Barlow[a]. (Reg. Park. fol. 39. b.—43. a.)	Chichester.	June 22, 1559. (R. xv. 532.)		Dec. 18, 1559. (R. xv. 550. Reg. Park.)	Dec. 20, 1559. (Reg. Park.)	April 9, 1560.(Reg. Capit. Cicestren., ap. Cour.)		March 27, 1559-60. (R. xv. 576.)
* xxi. John Scory[b]. (Reg. Park. fol. 23. a—28. a.)	Hereford.	June 22, 1559. (R. xv. 532—Reg. Park.)	July 15, 1559. (Reg. Park.)	Dec. 18, 1559. (R. xv. 551—Reg. Park.)	Dec. 20, 1559. (Reg. Park.)			March 23, 1559-60. (R. xv. 574, 575.)
xxii. Thos. Young[c] (Reg. Park. fol. 92. b.—96. b.)	York.		Jan. 27, 1560-1. (Reg. Ebor., ap. Le Neve).	Feb. 19, 1560-1. (Reg. Park. —not in Rymer.)	Feb. 25, 1560-1. (Reg. Park.)			March 4, 1560-1. (R. xv. 608.)

[a] What is known of Barlow before his promotion to a Bishopric, is briefly this;—that he was born in 1499 (being 60 years old in 1559—Tab. of Consecr. in De Antiq. Br. Eccl.) in Essex but of an antient Welsh family (Tanner, and Strype's Parker, bk. iv. c. 46), and bred up partly in the Convent of Canons Regular of St. Augustin at St. Osyth in Essex, partly at the hall attached to the same Convent in Oxford, where he remained long enough to become Doctor of Divinity (Wood. Athen. Oxon.—MS. Life of Barlow by his great-nephew, a Romanist, in a tract entitled Speculum Protestantismi, extracts in Couray., Déf. de la Diss., Pr. Just. art. xvii. § 6); that he adopted Protestant opinions in his youth, a book of his called the Burying of the Mass being prohibited in 1519 (note in Wood, ed. Bliss, from Foxe), and went abroad for the purpose of hearing personally the teaching of the German Reformers (Spec. Prot.,—Barlow's own dialogue mentioned below); but after passing from Luther to Carolostadius, and Carolostadius to Œcolampadius, and becoming equally disgusted with each, travelled on to Rome (Dialogue), and upon his return to England published a violent attack upon "the Lutheran facc'yons" in the form of a Dialogue, in 1531 (Lond. July 28, as "Syr Wyllyam Barlow Chanon"), in which he inveighs among other topics against the marriage of Priests, and blames Wolsey then recently dead (he died Nov. 29, 1530) for dissolving monasteries (this tract was afterwards taken up by Stokesly Bp. of London, who in 1540 enjoined every Curate in his diocese to obtain a copy—Tanner; and is said to have procured its author his Bishopric—Spec. Prot.); and carried his change of views still further in 1533, by a recantation, in a letter to Henry VIII., of his "grievous errors," such as "disallowing the Mass, denying Purgatory, with slanderous infamy of the Pope and my Lord Cardinal, and outragious rayling against the Clergy," in some books that had been written and partly published by him (from Cotton MSS., in Tanner and the Biogr. Brit., signed "Will'm Barlo"); that notwithstanding this, and very shortly afterwards, he was presented by Cranmer, through the influence of Qu. Anne Boleyn (and therefore as a supporter of the Reformation), to the Rectory of Sundridge in Kent (Letter from the Lady Anne Boleyn to Cranmer, in Strype, Annals, I. and Append. G;—it is a peculiar of Canterbury within Rochester diocese, and is in the gift of the Abp.—See Hasted's Kent, vol. i. pp. 374, 375), and in 1534 by the same influence promoted to be Prior of the Augustine Canons at Haverfordwest (Dugdale, Monast., vol. vi. Pt. i. p. 444, ed. 1830;—"Wm. *Barburer*" was Prior July 1, 1534, Rym. xiv. 499), where he bitterly complained of the opposition he met with from the Clergy in that Diocese (St. David's) in "sincerely preaching the Gospel of Christ," in a letter to Cromwell (among Cotton MSS., in Burnet, Rec. Pt. III. bk. iii. num. 38;—signed "William Barlo Prior of Haverfordwest"); and before Oct. 3. in the same year farther advanced to be Abbot or Prior of the Augustine Canons at Bustleham, Bisham, or Bysham Montague Priory in Berkshire (see above p. 141, note m.), which he held in commendam with his Bishoprics (Reg. Cranm. in record of both his Confirmations) until July 5, 1536, when he surrendered it to the King (Dugdale as bef. quoted p. 527,—John Cordrey his successor made a second and final surrender June 19, 1539, Rym. xiv. 607, but see Dugdale, ibid.); and, finally, that whilst holding this last dignity, he was, through Cromwell's influence, sent into Scotland as a kind of ecclesiastical ambassador, in conjunction with first Holcroft and then Ld. W. Howard, partly to induce King James to join with Henry VIII. in throwing off the Papal supremacy, partly to "preach the Gospel" (see the Letters referred to above p. 141, note m). —(A William Barlow, supposed by Tanner, Newcourt, and others, to be the same with the Bp. of St. David's, was Prior of the Aug. Canons at Blackmore, Essex, May 25, 1509—Reg. Fitzjames ap. Dugd. as bef. quot. p. 552,—at Tiptree in the same county from July 18, 1509, until 1515—Reg. Tunstall ap. Dugd. ibid. p. 554, Tanner, and Wood,—at Lighes or Lees Parva in same county from July 18, 1515 until his resign. Sept. 14, 1524—Reg. Tunst. ap. Dugd. ibid. p. 552, Newcourt, ii. 386, and Wood,—at Bromehill or Bromewell, in Norfolk, and Rector of Cressingham in the same county, in 1525 and 1527, the Convent being suppressed for Wolsey's Coll. at Ipswich, May 14, 1528—Dugd. ibid. p. 569, naming him "Barlow *alias Finch*," and Tanner. The dates seem to prove these entries to relate to one person; and the earliest date compared with Bishop Barlow's age,

and history as above given, that he is not that person).—To complete his history;—we find him united with Cranmer in opposing the Six Articles in 1539 (being one of a committee to draw up a counter bill which was not adopted), and in assenting to them when passed (Burnet, Rec. Pt. III. bk. iii. num. 66—Lords' Journ.); and again in his sentiments respecting the Sacraments in 1540 (Collier, ii. 188, and Rec. num. xlix.; see also p. 135): employed in composing almost every document of importance relating to religion during the reigns of Henry and Edward (see above p. 142, note o), and in translating part of the Apocrypha for Parker's Bible under Qu. Eliz. (Tanner): and, lastly, accused of wasting the property of the see of St. David's (Spec. Prot.)and of utterly ruining that of Bath and Wells (Sir J. Harrington, Brief View), in both which cases however he was probably a patient rather than an agent (see also above p. 144, note x). Finally, he recanted his Dialogue in deeds, as he had recanted his opinions in words, by marrying within a very few years of its first publication (one of his sons at least being born during his Episcopate at St. David's) the niece of a neighbour to his Priory of Bisham, by name Agatha Wellsbourne (Spec. Prot.—Wood, A.O. i. 365, 720). The well-known account of his daughters and family may be found in Wood, or in the Biogr. Brit.

To what has been given above p. 137, note d, &c., of evidence relating to his several Bishoprics, there remains to add—1. "*An Inquest*, made April 17, 4 Edw. VI." [1550], "certifying the Barons of the Exchequer upon oath of 23 men how often and how long the Bpric. of St. David's had been void since March 2, anno—Henr. VIti," Abstract in Wharton's MSS. Lamb. Libr. num. 585, p. 239; wherein it is declared, that "R. Rawlins, D.D. succeeded Edw. Vechan, and died about ye Feast of ye Purification of ye B. V. about ye 27th year of Hen. VIII." [i. e. Feb. 2, 1535-6,—it should be Feb. 18], "and yt ye Bpric. was vacant from Candlemas" [viz. Feb. 2] "until ye Feast of ye App. Phil. and James next" [May 1, 1536]; and further, "that William Barlow, M.A. succeeded R. Rawlins, and was translated to the Bpric. of Bath and Wells about ye 1st day of March, anno 2do Edw. VI." [1547-8—the exact date is Feb. 3 in that year].—2. A *Probate of Will*, before the Commissary of "*W. Meneven.*," Nov. 27, 1543, in Couray., Déf. de la Diss., liv. iii. c. 7.—3. "*Wm. Bp. of Bath and Wells*," sent to Edw. VI. July 28, 1548, the sum of 1000 marks, part in plate and part in money, being "all he could afford" (Letter, orig. in State Pap. Off.);—and subscribed a lease granted by the Archdeacon of Bath April 24, 1548, "anno nostræ translat. 1°" (Couray., Déf. de la Diss., liv. iii. c. 70 from Reg. Capit. Bath.);—and incurred a præmunire by the deprivation of John Goodman, Dean of Wells in 1550 (Brook, Abridg., fol. 141, § 21), for which he sued out a pardon, Nov. 12, 1550 (as "Willielm. B. et. W. Episc."—Rym. xiv. 248, 250:—in the State Pap. Off. are Letters, i. of John Goodman, the deprived Dean of Wells, Aug. 2, 1550, conveying to a Mr. Barwyck, "certain notes of unseemly reports of the Bp. of Bath declared by him to sundry persons against the Duke of Somerset," beheaded shortly before, and Aug. 5, 1550, to the same Mr. Barwyck, stating that "the Bp. is determined to retain the Lordship of Wells until he is certain of a recompense equal to its value," and accusing him of "using the tenents uncharitably," and ii. of Mr. Turner, the newly promoted Dean, Jan. 5, 1550-1, to Mr. Cecil and the Abp. of Cant., expressing his opinion that the Bp. of Bath had no authority to depose the Dean, although he deserved it, that it should have been done by the King's authority, and that the lawyers of the Arches will obstruct Mr. Turner in succeeding to the Deanery);—and, lastly, was employed in 1551 in a commission with others to settle some "strangers of Hainault" at Glastonbury (Letter from Lords of Counc. to the Bp. of Bath and Wells and others upon the subject, Dec. 18, 1551, with the Commissioners' reply, Jan. 12, 1551-2, in State Pap. Off.).

His *Confirmation* to Chichester, as recorded in Parker's Register, is further proved, by 1. *Reg. Capit. Cicestr.*, in Couray., Déf. de la Diss., Pr. Just. Art. xvii. § 4, describing him as "*Electus et Confirmatus*" only, at his installation, 2. *Zurich Letters*, see above numm. i, ii. note a; and by the other authorities mentioned below p. 229, notes e—g. Add also Stow, Annals, in the earlier editions; which are free from the misprint in the edition of 1615 (see above p. 150, note p). He was also presented to the first prebend in Westminster on its re-erection into a Collegiate Church June 21, 1560, as "Will'mus Episc. Cicestr." (Rym. xv. 590); which he retained until 1563. Of the documents given in the Table above, the Royal Assent is also a mandate for confirmation *only*, in Reg. Park., in the Rolls, and in Rymer 2nd edit. (incorrect in the 1st); and the writ of restit. of tempor. is without reservation, but see above p. 144. note x.

[b] Of the docum. here given, the Royal Assent corresponds exactly to Barlow's, both in Reg. Park. and in Rolls, and is like that correctly given in the 2nd, incorrectly in the 1st., edit. of Rymer; and the writ of restitution excepts reserved manors.

[c] The see of York was offered to William May, Dean of St. Paul's (Congé d'Eslire July 25, 1560—R. xv. 599,—Election Aug. 8, 1560—Reg. Ebor., ap. Richardson, in edit. of Godw. Wharton, Spec., p. 154, says Aug. 12), but he died before consecration, viz. Aug. 12, 1560 (Le Neve,—Br. Willis). Young had previously refused the see (letter of his to Abp. Parker, dated Abergwilly, May 3, 1560, in Lambeth Libr., Todd's Acc. of MSS., num. 959. § 41), but on May's death accepted it (see another letter of his, Abergwilly, Nov. 22, 1560, to Abp. Parker, in C.C.C.C. MSS., vol. 114. p. 423,—that he has been sent for to London on his intended translation, but does not wish to come until 10 or 12 days after Xmas). Richardson dates his election Jan. 30; Wharton, Spec. p. 155, agrees with Le Neve. The Royal Assent and mandate for his confirmation *(only)* is addressed to Matt. Cantuar., Edm. London, Thom. Lichf. et Cov., who accordingly confirmed him in Lambeth Chapel. See corrobor. evidence above in note a to num. xiii. and note f to num. xv; and below p. 229, notes e—g. A mandate to John Stokes Archdeacon of York to inthrone, from Parker and the other two just named, dated Feb. 27, 1560-1, is also in Parker's Reg. (Stokes nomin. to that Archd. in 1560-1.—Rym. xv. 562,—and presented Jan. 15, 1560-1—Br. Willis).

Of the Bishops above named, all except Meyrick, Gest, Parkhurst, and Barlow, i. e. all who obtained sees in 1559, 1560, upon the deprivation of either actual or intended Bishops (see Table II. below), are mixed up by some one or other of its assertors with the Nag's

Head fiction, or in other words affirmed to have passed through a mock form of consecration together at London in September 1559, and no true form whatever (and Barlow is also added as a consecrator at the Nag's Head by Constable). Besides the sees already mentioned, there remain—1. Llandaff, retained by Kitchin until his death in 1563[a]; 2. Gloucester, which remained vacant from Brook's death until 1562, when Richard Cheney was consecrated to it[b];—3. Bristol, vacant from Holyman's death in 1558 until given in commendam to the same Richard Cheyney by letters patents of the Queen April 29, 1562 (Reg. Park.);—4. Oxford, vacant from 1558 until 1567;—5. Sodor and Man, in which Thomas Stanley appears to have continued from 1556 to 1568 (Br. Willis). Further, upon the translation of Young to York, Rich. Davies was translated from St. Asaph to St. David's May 21, 1561[c] (Reg. Park.) and Thomas Davis consecrated to St. Asaph May 26, 1561[d] (Ibid.).

To the evidence for the several consecrations above given may be added, in general;—1. the direct testimony of the Life of Parker in the De Antiq. Brit. Eccl. in 1572, to each of the above consecrations and confirmations[e] (with one exception); corroborated also by the Life of Parker in the Historiola and in its Puritan translation in 1574 (see above p. 11, note c);—with the similar testimony 2. of the Table of Consecrations, which is printed in the same book[f]; and 3. of Thynne in Holinshead[g], in 1586; and 4. of Godwin in

[a] That Kitchin died in 1563, not 1566 (see above p. 56. note x), is proved by Reg. Park. vol. i. fol. 179. a. Vacat. sedis Landav., first institution by Abp. Feb. 4, 1563-4. He is mentioned in the *first* list of Bps. in the Parl. of 1565 (I suppose from copying the list of the previous Parliament in 1563), but is omitted in all succeeding lists (Lords' Journ.).

[b] Congé d'Eslire Feb. 27, 1561-2 (R. xv. 622), Roy. Ass. April 15 (R. xv. 623; Reg. Park.), Confirm. April 18 (Reg. Park.), Consecrat. April 19, by M. Cantuar., assistentibus Edm. London., Edm. Petriburg. (Ibid., and Table of Consecrat. in De Antiq. Brit. Eccl.), and Restit. of Tempor. May 2, 1562 (R. xv. 623) without reservation.

[c] Congé d'Eslire Feb. 20, 1560-1 (R. xv. 607), Royal Assent May 17 (Reg. Park.), Confirm. May 21, 1561 (ibid.), Restitut. of Temp. June 2, 1561 (R. xv. 614). A letter from (Rich.) Davies, Bp. of St. Asaph, to Parker, is in C.C.C.C. MSS., vol. 114. p. 523, dated "Wryxham April 18, 1561," where he had been detained by illness on his journey to London about his translation.

[d] By M. Cantuar., assistentibus Rich. Meneven., Edm. Roffen.; at Croydon. Roy. Ass. May 14. (Reg. Park.), Confirm. May 23, 1561 (ibid.), Restitut. of Temp. April 8, 1562 (R. xv. 623).

[e] "Anno itaque Domini 1559 Cantuariensis Archiepiscopus electus est" (scil. M. Parker) "a Decano et Capitulo Ecclesiæ Metropoliticæ Cantuariensis. Posteaque eodem anno 17 die Decembris, adhibitis quatuor Episcopis, W. Cicestrensi, Johanne Herefordensi, Milone quondam Exoniensi et *Richardo* Bedfordensi, lege quadam de hac re lata requisitis consecratus est. . . . Primo consecrationis suæ anno Lamethi sacravit undecim, et confirmavit duos in sua provincia Episcopos: proximisque duobus annis integrum numerum provinciæ suæ Episcoporum sacrando complevit; præterquam in sede Landavensi, ubi . . remansit Antonius. Episcopi qui primo anno ab eo consecrati fuerunt, sunt hi.—Edmundus Grindall, Episcopus Londinensis, . . Richardus Cox, Eliensis Episcopus, . . Edwinus Sands, Wigorniensis Episcopus, . . Johannes Juell, Salisburiensis Episcopus; . . post hos, Gilbertus Barcley Bathoniensis et Wellensis Episcopus, *Johannes* Bentham, Lichfeldensis et Coventrensis, Rowlandus Mericke Banchorensis, Thomas Yong Menevensis, Richardus David Assavensis. . . Deinde Nicolaus Bullingham . . ad Lincolniensem Episcopatum evectus est. Et Edmundus Ghest . . Roff. diocesi præfectus est. Eodem anno confirmati sunt Gulielmus Barloe, regnante Edwardo Rege Bathoniensis et Wellensis Episcopus, ad Episcopatum Cicestrensem postulatus; et Johannes Scorye, a Cicestrensi Episcopatu, quem eodem Edwardo Rege gesserat, ad sedem Herefordensem. . . Proximo anno consecravit hos; Robertum Horn Wintoniensem Episcopum, . . Johannem Parkhurst, Norvicensem Episcopum, Richardum Cheiney, Glocestrensem, Thomam David Assavensem, Edmundum Scamblerum, Petriburgensem. . . Præter hos quinque confirmavit eodem anno in Eboracensi Metrop. Ecclesiâ Thomam Yong Archiepiscopum a sede Menevensi translatum et *Thomam* David in sede Menevensi ab Assavensi deductum" (Matthæus, Strype's Parker, Append. num. xc.). The mistakes, such as they are, are marked by italics; and it will be observed, that the years are reckoned from Parker's consecration, and not very accurately, and that Alley is omitted.

[f] The original MS. of this Table exists still in C.C.C.C. MSS. vol. 114. p. 416, headed "Anno d'ni 1561," in which year the first part of it was probably drawn up, and containing seven columns, viz. Diocesis, Nomen, Gradus, Ordo, Patria, Ætas, Consecratio. It is printed in some copies of the De Antiq. Brit. Eccl. ed. 1572, and in the edit. of 1605 (in this last with Horne and Scambler's names interchanged so as to attribute to each the other's see, and with an eighth column added, viz. Academia), and as a fly-leaf opposite the title-page of the Puritan translation of the Historiola (see above p. 11. note c.—it has been torn out of the copy in the Bodleian Library but still remains in that belonging to the Univ. Libr. at Cambridge) in 1574. The first, second, and seventh columns tally precisely with the Table above in the text (Barlow and Scory being marked as "co'fir^us 1559"); except in six cases; "Meneven. Yonge. consec. 1559. Jan. 2," the second figure apparently cut off in the binding,—"Roffen. Edm. Guest 1559 Jan. 21," the date of the three preceding consecrations, instead of March 24, the date of the two that follow,—Horne and Scambler, "1560 Jan. 16," which was not a Sunday, instead of Feb. 16,—Pilkington and Downham "1561 Mar. 2," i. e. 1561-2 according to the usual mode of reckoning in the Registers, instead of 1560 for 1560-1.

[g] pp. 1490, 1491; a castrated passage; quoting "Reg. Park." in the margin. It is a literal trans-

1601 [h]; —5. the agreement of the order of precedence observed among the Bishops in Convocation, e. g. in 1562-3 (Wilkins, Concil., tom. iv. p. 237—Lamb. Hist. Acc. of 39 Art., pp. 20, 21), omitting of course the five principal sees, with the several dates and order assigned above for their consecrations (Llandaff, Gloucester, and Carlisle being however absent, and Scory signing after Cox and Sandys, instead of before them); 6. the exact agreement of the same dates and order of consecration with the order of precedence observed in Parliament, in the first session after the above consecrations, viz. 5 Eliz., from Jan. 11, 1562-3 to April 10, 1563; in which moreover all the Bishops are named, and those of both Provinces placed together, not as in Convocation separately (Lords' Journ.)[i]. It may be mentioned likewise, that the days of Consecration above assigned by the Register all fall

lation (abridged) of the Matthæus, with precisely the same details, the same omission, and the same mistakes, and the further inaccuracy of confusing the dates of Parker's election and consecration (see the first sentence in note e above) as if they had happened on the same day.

[h] The first edition of Godwin, De Præsulibus, in 1601, was a spurious edition, published without his knowledge; it is therefore of little weight when inconsistent with other information in any single case, and yet of considerable weight when agreeing in many dates with another document. Now it happens that in the cases here considered, Godwin agrees very remarkably with the Table mentioned in note f, errors and omissions inclusive;—for he assigns no date beyond "the beginning of Elizabeth's raigne" to the confirm. of Scory, no date at all to the consecration of Young, Guest Jan. 21, 1559, Horne and Scambler *Jan.* 16, 1560; dating Grindall's consecr. also Dec. 1, 1559, which is probably a misprint, Barkley no date, Alley "an. 1561," Best *March* 2, 1561, Downham no date, Sandes "translated from London to Worcester 1560," and the rest, Parker included, correctly. It seems to follow that he had seen that Table in 1601.

There is a memorandum of *intended* Bishops in the State Paper Office, assigning the several sees to the Bishops actually consecrated to them as above given, excepting in the following cases;—"Wynton. M. Pilkington, Norwich. M. Thomas Sampson, Lichfelde [et] Coue. M. Alex. Nouell, . . Exeter. M. Miles Coverdall, . . Eborac. Doc. May, . . Dunelm. Doc. Robert Horne, . . Carliolen. M. Parrye, . . Chestren. M. Tho. Becon.—Oxoniens. Peterburg. Glocestrens. Bristoliens." (no names). It is endorsed in a later hand Aug. 1559. And see also Strype, Annals I. i. 229.

[i] The following is the passage of Sanders referred to in c. iv. pp. 46—49, and c. vi. p. 98, note n, of the foregoing Discourse, containing his whole account of the ordination of Qu. Elizabeth's first Bishops. It is added here, as by itself deciding the question of fact beyond all reasonable contradiction, considering its author and date; and this by what it does not, as much as by what it does, affirm:—from the edit. of the De Schism. Anglic. in 1585, fol. 165. a.—167. a., which is varied only in one or two trifling changes of phrase in the edition of 1610.

"Cæterum Episcopatus ac alias prælaturas Ecclesiasticas avide et sine scrupulo captant isti" (Protestants at Elizabeth's accession); "etiam tum cum adhuc scirent veros Episcopos cum toto orbe communicantes superesse, nec ulla vel causa vel potestate legitima exauthoratos: certoque cognoscerent tales Ecclesias, Cathedras, ac officia numquam fuisse ab aliis nec pro aliis quam Catholicis instituta sed sic de istis ipsi cogitabant quemadmodum de regnis dixit ille: ea semper esse ecomperarunt. Elizabetha quidem *ita hæc pe- literas patentes conferebat, ut tamen oportuerit eos quibus collata erant*, CERTIS PERSONIS AC RITU ETIAM CERTO SECUNDUM LEGES REGNI ORDINARI. Henricus Octavus radix peccati cum ab Ecclesia et Sede Apostolica regnum suum divisisset, decrevit, ne quisquam electus in Episcopum bullas Pontificias seu mandatum Apostolicum de consecratione requireret sed Regium tantum diploma ut adferret; *secundum quod, a tribus Episcopis cum consensu Metropolitæ ordinatus*, jubebatur lege comitiorum facta ad imitationem antiquorum Canonum" [scil. 25 H. VIII. c. 20.] "esse verus Episcopus: *nec alio modo ordinatum pro Episcopo agnosci oportere:* ceremoniam autem et solennem unctionem more ecclesiastico adhuc in consecratione illa adhiberi voluit, quam postea proficiens in pejus Edv. Sextus sustulit et pro ea Calvinicas aliquot deprecationes substituit; *servata tamen semper priori de numero præsentium Episcoporum qui manus ordinando imponerent, lege.* Has leges novas sustulit Regina Maria; ista" [Eliz.] "*in integrum restituit et renovavit; ut proinde oportuerit hos Reginales prælatos ita quoque ordinari*, ut consentiente Metropolitano, *duo vel tres Episcopi assistant ipsisque manus imponant.* Sed hoc perridicule accidit, ut cum isti Superintendentes creandi essent, nec a *Catholicis* Episcopis impetrare potuerint ut ipsis manus admoverent; nec inter se *aut tres duosve Episcopos aut ullum omnino Metropolitanum* ab aliis Episcopis prius ordinatum habebant, cujus vel manu vel consensu consecrari possent; nec etiam ad vicinos Lutheranorum aut Calvinistarum Ecclesias sese contulerunt, ut inde mutuas Episcoporum (qui forte nec ibi erant) operas peterent: instabant quidem multum apud quendam *Archi*-episcopum Hybernum (quem tum Londini in vinculis habebant), ut in hac illis necessitate" [viz. in the want of a *Metropolitan*] "succurrat, et ipsi libertate et præmiis præpositis, si vellet istorum ordinationi *præesse;* sed vir bonus nullo modo adduci potuit ut hæreticis sacras manus imponeret, vel alieno peccato communicaret. Atque ita omni *legitimâ* ordinatione destituti, cum vulgo dicerentur" [ed. 1610. "*cum omni l. o. d. vulgo dicerentur*"], et *ipsis legibus Anglicanis* vere probarentur, non esse Episcopi, brachium seculare invocare conati sunt, ut laicalis magistratus confirmationem in futuris comitiis acciperent" [scil. A.D. 1566, 5 Eliz.]; "quorum auctoritate, si quid *minus rite et legaliter* IN PRIORI INAUGURATIONE gestum esset, aut omissum, ipsis condonaretur; idque postquam Episcopali officio et Cathedra absque ulla *Episcopali* consecratione aliquot annis functi essent. *Hinc* nomen illis impositum, ut Parlamentarii Episcopi dicerentur."

There are a great many untruths in this account; but it is obvious, how far short it falls of subsequent inventions, and how much it admits. The italics are of course not Sanders'.

upon Sundays, except two, viz. Dec. 21, 1559 (Thursday—St. Thomas's day) and May 26, 1561 (Whit Monday), both days within the Rubric but the latter especially not such as a forger in 1613 would have been likely to select or to select successfully.

To explain the foregoing Table and notes, it is necessary to add, that the documents relating to a Bishop's admission into his see, according to the then law and practice, were as follows:—1. Those relating to the *Vacancy;* viz. certificate of Dean and Chapter to Queen of the death or removal of the former Bishop, and requesting licence to elect a successor, Commission of Dean and Chapter of Canterbury or York (according to the province) delegating the spiritualties to commissioners, writ from Queen De Custodia Temporalium (ordinarily to the intended successor in the see); the last two of course not necessary, for the Chapter and the Queen might, if they pleased, retain spiritualties and temporalties respectively in their own hands; of these no notice is taken in the Table;—2. Those relating to the *Election*, appearing in Reg. of Dean and Chapter; viz. the Congé d'Eslire and Letters missive, the Certificate to the Queen in reply of Election made accordingly (reciting, when at length, but sometimes abridged, receipt of Congé d'Eslire, appointment of day of Election, Citation of Chapter, actual Election), Certificate of same to the elect Bishop, Proxy of Dean and Chapter to ask the consent of the elect Bishop, Proxy of same to appear at Confirmation of elect Bishop;—3. Those relating to the *Confirmation*, appearing in Reg. of Archbishop; viz. Royal Assent to election, including either expressly or by implication, mandate to Archbishop to confirm and (if not a case of translation) consecrate, Archbishop's commission to his Vicar-General to confirm in his place (a general commission, appearing once for all, and not in each successive consecration), Record of Process of Confirmation (containing a recital of, a. Royal Assent, b. Proxy of elect Bishop to appear for him at confirmation (usually), c. Citation to all opposers of the election in the name of the Archbishop, d. Declaration of Mandatary that the citation had been duly published, e. Prima Schedula contra Oppositores in name of confirmer, summoning them to appear under pain of contumacy, f. Summary petition of elect Bishop's proxy, setting forth the points to be proved by him, g. Process of election viz. the above-named certificate of Dean and Chapter to Queen, h. Parole testimony (the two last in proof of the summary petition), i. Secunda Schedula contra oppositores, k. Consent of elect Bishop, l. Oath of Supremacy taken by elect Bishop, m. Definitive Sentence of Confirmation), and, lastly, Certificate of Confirmation by Archbishop to Queen;—4. Those relating to the *Consecration;* viz. Record of it in Archbishop's register, Certificate of it by Archbishop to Queen (usually the same document with similar certificate of confirmation, being both in reply to a mandate usually commanding both);—5. Those relating to *Installation;* viz. Mandate of Archbishop to Archdeacon of Canterbury or York (according to province) or to whomsoever the right of installing pertains (in the province of Canterbury it belongs to the Archdeacon of Canterbury), certifying consecration and commanding installation (this is sometimes recorded in Archbishop's register), Record of actual Installation (in Register of Dean and Chapter), Proxies (usually) of Archdeacon of Canterbury (or whoever it be), and of the (now consecrated) Bishop, to enthrone and be enthroned respectively in their steads;—6. That relating to *Homage*, viz. the record of it;—7. *Restitution of Temporalties*, reciting (at this time) Election, Royal Assent, homage done, and nothing more. It remains to add, that the periods of twelve and twenty days respectively, permitted by 25 H. VIII. c. 20, are measured between *receipt* of Congé d'Eslire and election, and *receipt* of mandate to confirm and confirmation, without reference to the dates upon those writs themselves: which will explain several apparent violations of the statute in the dates of the foregoing Table.

[Cuthbert Tunstall, Bishop of Durham. That this prelate was not deprived until some time subsequent to the date of the first commission for the consecration of Parker, is proved (in addition to the evidence adduced in p. 73. note c) by the following series of letters;—1. Two letters from Tunstall himself, London Aug. 19, 1559, to Cecil and Sir T. Parry, in the State Paper Office,—that he "wold be as glad to serve the Quene's highnes," &c., "as any subjects in ye realme," but that he would not consent to any such visitation in his diocese as was going on in London, because he "cannot" himself "agree to be a sacramentary;"—2. A letter from the Privy Council to the Abp. of Cant. elect (scil. Parker), Hampton Court, Sept. 27, 1559 (in C.C.C.C. MSS., vol. 109. p. 61), desiring him to lodge Tunstall in his house, and to confer with him on matters of religion;—3. A letter from Cecil to the same, Oct. 2, 1559 (ibid. p. 67), acquainting Parker, how pleased they were with the hopes he gave them of Tunstall's conformity;—4. A letter from the same to the same, Oct. 5, 1559 (ibid. p. 65), expressing concern that Tunstall would not conform, and hoping that the Qu. would assign him a suitable pension.]

II.

Table of the dates of death or deprivation, so far as is known, of the Bishops in possession of the several English Sees upon the death of Qu. Mary (Nov. 17, 1558).

CANTERBURY (*Vacant*, by death of *Reginald Pole*, 16 hours after Qu. Mary,—see above p. 76. note x). Spiritualties seized by Dean and Chapter of Cant. Nov. 1558.	ROCHESTER, *Maurice Griffith*, died Nov. 20, 1558 (Strype, Ann., I. i. 44, 45). Spiritualties in the hands of Dean and Chapt. of Cant. Dec. 9, 1558.	*CHESTER, *Cuthbert Scot*, deprived June 21, 1559 (Spirit. in hands of Dean and Chapt. of Cant. same day); died in exile many years after at Louvain (Br. Willis).
*LONDON, *Edmund Boner*. Oath of Supremacy tendered May 30 (Wood, Ath. Oxon.). Spiritualt. in hands of Dean and Chapt. of Cant. June 2, deprived finally June 29, 1559; died Sept. 5, 1562 (Godw.).	*BATH AND WELLS, *Gilbert Bourne*, deprived after Oct. 18, 1559 (see above p. 73. note c); died Sept. 10, 1569 (Godw.).	CHICHESTER, *John Christopherson*, died before Dec. 28, 1558 (Strype, Ann., I. i. 46). Spiritualt. seized Jan. 2, 1558-9 (Reg. Dec. et Capit. Cant.).
*ELY, *Thomas Thirlby*, deprived July 5. Spirit. in hands of Dean and Chapt. of Cant. Nov. 23, 1559; died Aug. 20, 1570 (Godw.).	*LICHF. AND COV., *Ralph Bayne*, deprived June 21. Spirit. in hands of Dean and Chapt. of Cant. June 24, 1559; died within the year (Godw.—Le Neve—Zur. Lett. xxix.).	HEREFORD, (*Vacant* by death of *Rob. Wharton*, Sep. 22, 1557—Le Neve.—*Thom. Reynolds* nominated—Writ. de Cust. Temp. in R. xv. 491. Nov. 7, 1558,—but not consecrated). Spiritualt. seized Dec. 3, 1558 (Reg. Dec. et Capit. Cant.).
*WORCESTER, *Richard Pates*, deprived before Bonner (Strype, Annals, I. i. 229), probably June 21 (ibid. 210). Spirit. in hands of Dean and Chapt. of Cant. June 30, 1559; died at Louvain in exile several years afterwards (Godw.—Br. Willis).	*EXETER, *James Turberville*, deprived before Nov. 16, 1559 (Spirit. then in hands of Dean and Chapt. of Cant.); died many years afterwards, (Godw.). Le Neve dates his depriv. Jan. 1559-60, by a mistaken infer. from *Parker's* commission to take charge of Spiritualties.	*YORK, *Nicholas Heath*, deprived July 5, 1559 (Dean and Chapt. of York had Spirit. of See Feb. 3, 1559-60—Wharton, Specim.); died in 1579 (Br. Willis).
BANGOR (*Vacant*, by death of Will. Glyn, May 21, 1558—Le Neve. Spiritual. seized Dec. 3, 1558—Reg. Dec. et Capit. Cant.).	NORWICH, *John Hopton*, died shortly after Mary's accession.—His will is dated Aug. 24, 1558 (Le Neve); and see vacant before Jan. 1558-9 (Richardson edit. of Godw.). Spirit. seized Dec. 24, 1558 (Reg. Dec. et Capit. Cant.).	GLOUCESTER, (*Vacant* since death of *John Brooks*, Sept. 7, 1558—Wharton, Specim. p. 149. Godw. says Feb. 1559, which seems an error. John Boursher nominated—Writ de Cust. Temp. in R. xv. 489, Oct. 25, 1558,—but not consecrated). Spiritual. seized Dec. 3, 1558 (Reg. Dec. et Capit. Cant.).
*LINCOLN, *Thomas Watson*, deprived June 25. Spirit. in hands of Dean and Chapt. of Cant. July 2, 1559; imprisoned until his death in 1584 (Godw.).	*WINCHESTER, *John White*, deprived June 25, and Spirit. in hands of Dean and Chapt. of Cant. July 14, 1559: died Jan. 11, 1559-60 (Tanner).	BRISTOL, *John Holyman*, died Dec. 20, 1558 (Wood. Athen. Oxon.). Spiritual. seized Dec. 8, 1558 (Reg. Dec. et Capit. Cant.).
SARUM (*Vacant*, by death of John Capon alias Salcot Oct. 6, 1557—Reg. Pole ap. Le Neve;—Father Peto nominated by the Pope, but excluded the kingdom by Qu. Mary, and died April 1558;—Franc. Mallet nomin. by Qu. Mary—Writ de Cust. Temp. in R. xv. 488, Oct. 14, 1558,—but not consecrated).	*PETERBOROUGH, *David Pole*, deprived before Nov. 11, but after Sept. 30, 1559 (see p. 73. note c. above;) died in May or June 1568 (Wood. Ath. Oxon.).	OXFORD, (*Vacant*, from *King's* death Dec. 4, 1557—Godw.,—until Curwyn's translation Oct. 14, 1567—Reg. Park.,—*Goldwell* of St. Asaph nominated—Writ de Cust. Temp. in R. xv. 492. Nov. 9, 1558—to succeed King, but not actually translated).
*ST. ASAPH, *Thomas Goldwell* (nomin. but not transl. to Oxford; and Thom. Wood nomin.—Writ de Cust. Temp. in R. xv. 490, Nov. 5, 1558,—but not consecrated. to St. Asaph), deprived after June 25 (Strype, Ann. I. i. 229). Jurisdict. exerc. by Dean and Chapt. of Cant. July 15, 1559; died 20 years afterw. in exile (Godw.).	DURHAM, *Cuthbert Tonstall*, deprived Sept. 29, 1559 (see above p. 73. note c); died Nov. 18, 1559 (Holinsh., Vita Park. in De Ant. B. E.).	LLANDAFF, (retained by *Anthony Kitchin*, until his death in Oct. 1563, see p. 56. note x, p. 229. note a.)
ST. DAVID'S, *Henry Morgan*, deprived about Midsummer (Le Neve). Spiritualties in hands of Dean and Chapt. of Cant. Sept. 16, died Dec. 23, 1559 (Godw.).	CARLISLE, *Owen Oglethorp*, deprived June 21, 1559 (Spirit. in hands of Dean and Chapt. of Cant. same day); died Dec. 31, 1559 (Br. Willis).	SODOR AND MAN, (retained by *Thomas Stanley* until 1568 acc. to Br. Willis, but no certainty from want of records.)

General Authorities. MS. list of deprivations in Strype, Annals, I. i. 210, 211, corroborated by a list of intended promotions, ibid. 229. and Reg. Dec. et Capit. Cant. vacante sede Archiep. Cantuar. p'. mort. Reg. Pole, in Lamb. Library. The Sees are placed in the order of the last Table; and those marked * were filled during the life of the prior incumbent.

THE WORKS

OF

ARCHBISHOP BRAMHALL.

PART THE SECOND;

CONTAINING

THE DISCOURSES AGAINST THE ENGLISH SECTARIES.

DISCOURSE I.

A FAIR WARNING

TO TAKE HEED

OF THE SCOTTISH DISCIPLINE;

AS BEING OF ALL OTHERS

MOST INJURIOUS TO THE CIVIL MAGISTRATE,

MOST OPPRESSIVE TO THE SUBJECT,

MOST PERNICIOUS TO BOTH.

BY

JOHN BRAMHALL, D.D.,

LORD BISHOP OF LONDONDERRY.

"NO MAN, HAVING DRUNK OLD WINE, STRAIGHTWAY DESIRETH NEW; FOR HE SAITH, THE OLD IS BETTER." LUKE ix. 35.

"I WILL GO AND RETURN TO MY FIRST HUSBAND; FOR THEN WAS IT BETTER WITH ME THAN NOW." HOSEA ii. 7.

THE

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DISCOURSE I.

A FAIR WARNING

TO TAKE HEED OF THE

SCOTTISH DISCIPLINE.

[First printed in Holland, A.D. 1649.]

CHAPTER I.

THE OCCASION AND SUBJECT OF THIS TREATISE.

[Arrogancy and tyranny of the Scottish Discipline.]

If the Disciplinarians in Scotland could rest contented to dote upon their own inventions, and magnify at home that Diana which themselves have canonized, I should leave them to the best schoolmistress, that is, experience, to feel where their shoe wrings them, and to purchase repentance. What have I to do with the regulation of foreign Churches, to burn mine own fingers with snuffing other men's candles? Let them stand or fall to their own Master. It is charity to judge well of others; and piety to look well to ourselves.

But to see those very men, who plead so vehemently against all kinds of tyranny, attempt to obtrude their own dreams not only upon their fellow-subjects, but upon their sovereign himself, contrary to the dictates of his own conscience, contrary to all laws of God and man; yea, to compel foreign Churches to dance after their pipe, to worship that counterfeit image which they feign to have fallen down from Jupiter, and by force of arms to turn their neighbours out of a possession of above fourteen hundred years, to make room for their Trojan horse[a] of ecclesiastical Discipline (a practice never justified in the world but either by the Turk or by the Pope); this puts

[a] [There are two pamphlets attributed to Bp. Maxwell (see above in vol. i. p. xxxv.), entitled respectively, "The Trojan Horse of the Presbyterian Government Unbowelled," and "The Burthen of Issachar or the Tyrannical Power and Practises of the Presbyteriall Government in Scotland," both printed anonymously in 1646, and to the former of which Bramhall seems here to allude. They are very similar to the present Discourse, both in aim and in matter; insomuch that Bramhall has been supposed to have written the latter of them.]

PART II.

us upon the defensive part. They must not think that other men are so cowed, or grown so tame, as to stand still blowing of their noses whilst they bridle them and ride them at their pleasure. It is time to let the world see, that this Discipline, which they so much adore, is the very quintessence of refined Popery, or a greater tyranny than ever Rome brought forth; inconsistent with all forms of civil government, destructive to all sorts of policy, a rack to the conscience, the heaviest pressure that can fall upon a people, and so much more dangerous, because, by the specious pretence of Divine institution, it takes away the sight but not the burden of slavery. Have patience, reader, and I shall discover unto thee more pride and arrogancy through the holes of a thread-bare coat, than was ever found under a Cardinal's cap or a triple crown. All this I undertake to demonstrate, not by some extraordinary practices justified only by the pretence of invincible necessity (a weak patrociny for general doctrine), nor by the single opinions of some capricious fellows, but by their Books of Discipline, by the Acts of their general and provincial 494
Assemblies, by the concurrent votes and writings of their commissioners.

[Foreign Protestant Churches not touched by the charges here brought against the Scottish Discipline.]

I foresee that they will suggest, that through their sides I seek to wound foreign Churches. No: there is nothing which I shall convict them of here, but I hope will be disavowed, though not by all Protestant authors, yet by all the Protestant Churches in the world. But I must take leave to demand of our Disciplinarians, who it is they brand with the odious name of Erastians, in the acts of their Parliaments[b] and Assemblies[c], and in the writings of their commissioners[d], and reckon them with Papists, Anabaptists, and Independents? Is it those Churches who disarm their Presbyteries of the sword of excommunication, which they are not able to wield? So did Erastus. Or is it those who attribute a much greater power to the Christian magistrate in the managery of ecclesiastical affairs than themselves? So did Erastus, and so do all Protestant Churches. The Discipli-

[b] Declar. Parl. 1648, [p. 6. as reprinted in Lond. in the same year.]

[c] Syn. Gen. 1647. [scil. in their Declar. and Brotherly Exhortation to their Brethren in England, Aug. 20, Sess. xv. pp. 4, 5.]

[d] [Declar. of Commissioners of the Gen. Assemb. to the whole Kirk and Kingdom of Scotland, March 1, 1648 (i. e. 1648-9), pp. 11, 12, as reprinted at London 1648.]

narians will sooner endure a Bishop or a superintendent to govern them, than the civil magistrate. And when the magistrate shall be rightly informed what a dangerous edge-tool their Discipline is, he will ten times sooner admit of a moderate Episcopacy, than fall into the hands of such hucksters. DISCOURSE I.

If it were not for this Disciplinarian humour, which will admit no latitude in religion, but makes each nicety a fundamental, and every private opinion an article of Faith, which prefers particular errors before general truths, I doubt not but all reformed Churches might easily be reconciled. Before these unhappy troubles in England, all Protestants, both Lutherans and Calvinists, did give unto the English Church the right hand of fellowship. The Disciplinarians themselves, though they preferred their own Church as more pure (else they were hard-hearted), yet they did not, they durst not condemn the Church of England, either as defective in any necessary point of Christian piety, or redundant in any thing that might virtually or by consequence overthrow the foundation.

Witness that letter which their General Assembly of superintendents, pastors, and elders, sent by Mr. John Knox to the English Bishops; wherein they style them "reverend pastors," "fellow-preachers," and joint-opposers of "the Roman Anti-Christ[e]." They themselves were then far from a party, or from making the calling of Bishops to be Antichristian.

But to leave these velitations and come home to the point:—I will shew, first, how this Discipline entrencheth most extremely upon the right of the civil magistrate; secondly, that it is as grievous and intolerable to the subject.

CHAP. II.

THAT THIS NEW DISCIPLINE DOTH UTTERLY OVERTHROW THE RIGHTS OF MAGISTRATES, TO CONVOCATE SYNODS, TO CONFIRM THEIR ACTS, TO ORDER ECCLESIASTICAL AFFAIRS, AND REFORM THE CHURCH WITHIN THEIR DOMINIONS.

I. i. All princes and states invested with sovereignty of power, do justly challenge to themselves the right of convoca- [Supremacy in ecclesiastical causes a

[e] Gen. Assemb. anno 1566. [Dec. 27.—It is in a book called "A Part of a Registre," &c. fol. 125—127; and in Spottisw., Hist. of Ch. of Scotl., bk. iv. pp. 198, 199. Lond. 1655.]

PART II.

necessary part of civil sovereignty.]

ting national synods of their own subjects, and ratifying their constitutions. And although pious princes may tolerate or privilege the Church to convene within their territories annually or triennially for the exercise of discipline, and execution of constitutions already confirmed (nevertheless we see how wary the Synod of Dort was in this particular[f]), yet he is a magistrate of straw, that will permit the Church to convene within his territories, whensoever, wheresoever they list, to convocate before them whomsoever they please, all the nobles, all the subjects of the kingdom, to change the whole ecclesiastical policy of a commonwealth, to alter the doctrine and religion established, to take away the legal rights and privileges of the subjects, to erect new tribunals and courts of justice, to which sovereigns themselves must submit; and all this of their own heads, by virtue of a pretended power given them from Heaven, contrary to known laws and lawful 495
customs, the supreme magistrate dissenting and disclaiming. "Synods ought to be called by the supreme magistrate, if he be a Christian," &c.; "and either by himself, or by such as he shall please to choose for that purpose, he ought to preside over them[g]." This power the emperors of old did challenge over general councils[h]; Christian monarchs in the blindness of Popery over national synods[i]; the kings of England over their 'Great Councils' of old, and their Convocations of later times[k]; the Estates of the United Provinces in the Synod of Dort[l]. This power neither Roman Catholic nor Protestant in France dare deny to his king[m]. None have been more punctual in this case than the state of

[f] ["Ecclesia quæ ad convocand. gener. Synod. est electa, .. in tempore illud supremo Magistratui significabit, ut de re illâ ipsius consensu, et (si placitum illi fuerit aliquos quoque ad classem ablegare) in præsentiâ et ex consilio deputatorum ipsius concludatur."—Syn. Dordrecht.] can. 50. [ap. Ench. Cand. S.M. (see next note), p. 202.]

[g] Enchir. Cand. S. Ministerii, ex decreto Facult. Theol. in Acad. Gron. editum. 8vo. 1645, p. 161. [De Minist., Potest., et Discipl. Eccl., § 86.]

[h] [See authorities in Palmer, On the Church, Pt. iv. c. 9, Pt. v. c. 6.]

[i] [See the Just. Vindic., c. vii; above vol. i. pp. 205, 206.]

[k] [See Schism Guard., Sect. i. c. 5; above vol. ii. pp. 409—414.]

[l] [The title-page of the Canons of the Syn. of Dort, runs thus,—"Canones Eccles., conditi in Syn. Nation. Ecclesiar. Reform, *ex autoritate Illustrissimorum et Præpotentium DD. Ordinum Generalium Fœderati Belgij convocatâ*, et celebratâ Dordraci annis Christi 1618 et 1619." And see Brandt, Hist. of Reform. in Low Countries, bk. xxxiii.]

[m] [See Schism Guard., Sect. i. c. 5; above vol. ii. p. 426; and Quick's Synod. in Gallià Reform., vol. ii., Acts of 1st Syn. of Charenton A.D. 1626, c. ii. &c.]

Geneva, where it is expressly provided, that no synod or presbytery shall alter the ecclesiastical policy, or add any thing to it, without the consent of the civil magistrate[n]. Their elders do not challenge an uncontrollable power as the commissioners of Christ, but are still called "the commissioners of the Signiory[o]." The Lesser Council names them with the advice of the ministry (their consent is not necessary); the Great Council of two hundred doth approve them or reject them[p]. At the end of the year they are presented to the Signiory, who continue them or discharge them as they see cause[q]. At their admission they take an oath, "to keep the ecclesiastical ordinances of the civil magistrate[r]." The final determination of doctrinal differences in religion (after conference of and with the ecclesiastics) is "referred to the magistrate[s]." The proclamations published with the sound of trumpet, registered in the same book[t], do plainly shew that the ordering of all ecclesiastical affairs is assumed by the Signiory.

[Contrary practice of the Scottish Disciplinarians.]

But in Scotland all things are quite contrary. The civil magistrate hath no more to do with the placing or displacing of ecclesiastical elders, than he hath in the Electoral College about the election of an emperor. The king hath no more legislative power in ecclesiastical causes than a cobbler; that is, a single vote in case he be chosen an elder, otherwise none at all. In Scotland, ecclesiastical persons make, repeal, alter, their sanctions, every day, without consent of king or council.

[A.D. 1579]

King James proclaimed a Parliament to be held at Edinburgh[u], and a little before by his letter required the assembly "to abstain from making any innovations in the policy of the Church," and from "prejudging the decisions of the States by their conclusions," and "to suffer all things to continue in the condition they were until the approaching Parliament[v]." What did they hereupon? They "neglected" the king's letter: [A.D. 1580] by their own authority, they determined all things positively;

[n] Les Ordonn. Eccles. [de l'Eglise de Geneve], printed at Geneva, 1562, p. 66.
[o] [Ibid., ordre iii.] p. [19.]
[p] [Ibid.] p. 20.
[q] [Ibid.] p. 21.
[r] [Ibid.] pp. 9 and 21.
[s] [Ibid.] p. 11.
[t] [Ibid. in fin.]
[u] Oct. 20, 1579. [Spottisw., Hist. of Ch. of Scotl., bk. vi. p. 307. Lond. 1655.]
[v] [Spottisw., ibid. p. 308, in an. 1580.]

PART II.

questioned the Archbishop of St. Andrew's upon their own canons, "for collating to benefices, and voting in Parliament[x]," according to the undoubted laws of the land. Yea, to that [A.D. 1605] degree of sauciness they arrived, and into that contempt they reduced sovereign power, that twenty presbyters (no more at the highest, sometimes but thirteen, sometimes but seven or eight) dared to hold and maintain a General Assembly (as they miscalled it), after it was discharged by the king, against his authority; an insolence which never any Parliament durst yet attempt[y].

[A.D. 1560] By their own authority, long before there was any statute made to that purpose, they abolished all the Festivals of the Church, even those which were observed in memory of the Birth, Circumcision, Resurrection, and Ascension of our Saviour[z].

[A.D. 1580] By their own authority they decreed the abolition of Bishops, requiring them "to resign their offices, as not having any calling from God's Word, under pain of excommunication; and to desist from preaching until they had a new admission from the General Assembly[a]:" and to complete their own folly added further, that "they would dispose of their possessions as the Church's patrimony in the next Assembly[b];" which ridiculous ordinance was maintained stiffly by the succeeding synods, notwithstanding the statute, [A.D. 1584] that it should be "treason to impugn the authority of the three Estates," or "to procure the innovation or diminution of any of them[c];" which was made on purpose to control their vain presumption. Notwithstanding that themselves had [A.D. 1560] formerly approved, and as much as in them lay established, superintendents, to endure for term of life, with their numbers, bounds, salaries, larger than those of other ministers, endued with Episcopal power, to plant Churches, ordain ministers, assign stipends, preside in synods, direct the censures of the Church, without whom there was no excom-

[x] [Ibid.]

[y] Assemb. Aberdeen 1605. [Spottisw., bk. vii. pp. 486—490; who names twenty-*one* ministers as present.]

[z] First Book of Discipline [set forth 20 May, 1560], 1st head; [Of Doctrine, pp. 25, 26. of the edition of both Books of Discipl. in 1641, with the Acts of Assembly relating to them prefixed. See Spottisw., bk. iii. pp. 152—174;—M'Crie's Life of Knox, Period vii.]

[a] Assemb. Dundee, 1580. [Spottisw., bk. vi. p. 311.]

[b] [Ibid.]

[c] Parl. 1584. [Spottisw., bk. vi. p. 333.]

munication[d]. The world is much mistaken concerning Epi- DISCOURSE I.
scopacy in Scotland: for though the king and Parliament
496 were compelled by the clamours and impetuous violence
of the presbyters to annex the temporalties of Bishops to [A.D. 1587]
the crown, yet the function itself was never taken away
in Scotland, from their first conversion to Christianity[e] until
these unhappy troubles. And these very temporalties were
restored by the "Act of Restitution," and their full power [A.D. 1606.
was first established synodically, and afterwards confirmed —— 1610.
by the three Estates of the kingdom in Parliament[f]. ——1612.]

By their own authority, when they see they could not [A.D. 1590]
prevail with all their iterated endeavours and attempts to
have their Book of Discipline ratified, they obtruded it upon
the Church themselves; ordaining, that "all those who had
borne or did then bear any office in the Church should sub-
scribe it, under pain of excommunication[g]."

By their own authority, or rather by the like unwarrantable [A.D. 1581]
boldness, they adopted themselves to be heirs of the prelates
and other dignities and orders of the Church, suppressed
by their tumultuous violence, and decreed, that 'all tithes,
rents, lands, oblations,' yea, "whatsoever had been given in
former times or should be given in future times" to the service
of God, was the "patrimony of the Church," and "ought to be
collected and distributed by the deacons as the Word of God
appoints[h];" that "to convert any of this . . to the particular or
profane use of any person, is detestable sacrilege before God[i]."
And elsewhere, "Gentlemen, barons, earls, lords, and others, [A.D. 1560]
must be content to live upon their just rents, and suffer the

[d] First Bk. of Disc., 4th and 6th heads. ["Concerning ministers, and their lawful election, and concerning the provision for them," &c., pp. 28, 37—42.]

[e] Anno 203. [Spottisw., bk. i. p. 2. Spottiswood's History was not published until 1655 after his death (in 1639); but Bramhall had evidently seen it before 1649, when his Fair Warning was written, as a considerable portion of the book is taken, almost verbatim, from Spottiswood. That he was closely connected with Bramhall, see above vol. i. p. lxxxvi.; and Baylie, in his Answer to Fair Warning, (1649), affirms, that Bramhall "can produce no warrant for his stories but Spotswood's unprinted book" (c. iv. p. 22).]

[f] [Act of Restitution of the estates of Bishops, i. e. their temporalties (annexed to the crown in 1587),. anno] 1606,— Assemb. Glasg. 1610, [annulled by the subseq. Assemb. of 1638], Parl. Edinb. 1612. [See Spottisw., bk. vii. pp. 496, 512, 518.]

[g] Assemb. Edinb. 1590. [prefixed to Bks. of Discipl. ed. 1641; and see Heylin, Hist. Presb., bk. viii. pp. 292, 293. bis.]

[h] Second Bk. of Disc., [A.D. 1578—1581], c. 9. [p. 90. ed. 1641. See Spottisw., bk. vi. pp. 289—302.— M'Crie's Life of Melville, vol. i. pp. 165, &c.]

[i] [Ibid.]

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Kirk to be restored to her liberty[k]." What this "liberty" is, follows in the same place,—"all things given in hospitality," all "rents . . pertaining to Priests, Chantries, Colleges, Chapelries, Frieries of all Orders, the Sisters of the Seens," all which "ought to be retained still in the use of the Kirk[l]." Give them but leave to take their breath, and expect the rest,—"the whole revenues of the temporalties of Bishops', Deans', and Archdeans' lands, and all rents pertaining to Cathedral Kirks[m]." Then supposing an objection, that the possessors had leases and estates, they answer, that those who made them "were thieves and murderers, and had no power so to alienate the . . common good of the Kirk[n]." They desire, that all such estates may be annulled and avoided, that all collectors appointed by the king or others, may be discharged from intermeddling therewith, and the deacons permitted to collect the same[o]: yea, to that height of madness were they
[A.D.1567] come, as to define and determine in their assembly (judge whether it be not a modest constitution for a synod), "that the next Parliament, the Church should be fully restored to its patrimony, and that nothing should be passed in Parliament until that was first considered and approved[p]." Let all estates take notice of these pretensions and designs. If their project have not yet taken effect, it is only because they wanted sufficient strength hitherto to accomplish it.

Lastly, by their own authority, under the specious title of "Jesus Christ, King of kings, and Lord of lords, the only Monarch of His Church," and under pretence of His "prerogative royal," they erected their own courts and presbyteries in the most parts of Scotland, long before they were legally approved or received; as appeareth by their own Act,
[A.D.1581] alleging, that many "suits had been made to the magistrate for approbation of the policy of the Kirk, which had not taken that happy effect which good men would crave[q];" and
[A.D.1590] by another Act acknowledging, that presbyteries were then

[k] First Bk. of Disc., 6th head. ["Of the Rents and Patrimonie of the Church," p. 57.]

[l] Ibidem, [p. 53. "*Doted* in hospitalitie."]

[m] [Ibid.]

[n] Ibidem, [p. 52.]

[o] [Ibid. pp. 52—54.]

[p] Assemb. Edinb. [1567. Spottisw., bk. iv. p. 209.]

[q] Assemb. Glasg. [April 24,] 1581, [prefixed to Books of Discipl. ed. 1641.]

established ("synodically") in most parts of the kingdom[s]; and, lastly, by the Act of another General Assembly at Edinburgh, ordaining, that "the discipline contained in the Acts of the General Assembly should be kept, as well in Angus and Mernis, as in the rest of the kingdom[t]." DISCOURSE I. [A.D. 1591]

[Contrary doctrine of the Scottish Disciplinarians.]

You see sufficiently in point of practice, how the Disciplinarians have trampled upon the laws, and justled the civil magistrate out of his supremacy in ecclesiastical affairs. My next task shall be to shew, that this proceeds not from inanimadvertence or passion, but from their doctrine and principles.

First, they teach, that no persons, magistrates nor others, have power "to vote" in their synods, "but only ecclesiastical[u]."

Secondly, they teach, that ecclesiastical persons have the sole power of convening and convocating such assemblies.—"All ecclesiastical assemblies have power to convene lawfully together, for treating of things concerning the Kirk. . . They have power to appoint times and places[x]." Again, "National
497 assemblies of this country . . ought always to be retained in their own liberties, with power to the Kirk to appoint times and places[y]." Thus they make it a "liberty," that is, a privilege of the Church, a part of its "patrimony," not only to convene, but to convocate, whomsoever, whensoever, wheresoever.

Thirdly, for point of power, they teach, that synods "have the judgment of true and false religion, of doctrine, heresy," &c., "the election, admission, suspension, deprivation of ministers," the determination of "all things that pertain to the discipline" of the Church, "the judgment of ecclesiastical matters, causes beneficiary," matrimonial, and others; "jurisdiction to proceed to excommunication against those that rob the Church of its patrimony[z]." They have legislative power, "to make rules and constitutions" for "keeping good order in the Kirk[a]." They have "power to abrogate and abolish all statutes and ordinances concerning ecclesi-

[s] Assemb. Edinb. [Aug. 4,] 1590. [ibid.]
[t] Assemb. Edinb. [July 2,] 1591. [ibid.]
[u] Second Bk. of Disc., c. 7. [p. 88.]
[x] [Ibid., p. 86.]
[y] [Ibid.] c. 12. [p. 97.]
[z] ["Articles pertaining to the Jurisdiction of the Kirk, to be proponed to the Regent's Grace and secret Councell and sought to bee appointed by them;"] Assemb. Edinb. [March 5.] 1570. [prefixed to Books of Discipl. ed. 1641.]
[a] Second Bk. of Disc., c. 7. [p. 86.]

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astical matters, that are found noisome and unprofitable, and agree not with the time, or are abused by the people[b]." And all this, "without any reclamation or appellation to any judge, civil or ecclesiastical[c]."

Fourthly, they teach, that they have these privileges, not from the magistrate or people, or particular laws of any one country:—"The magistrate cannot execute the censures of the Church, nor prescribe any rule how it should be done;" but "ecclesiastical power floweth immediately from God, and from the Mediator Jesus Christ[d]." And yet further,—"The Church cannot be governed by others than those ministers and stewards set over it by Christ, nor otherwise than by His laws; and therefore there is no power in earth that can challenge to itself a command or dominion upon the Church[e]." And again, it is "prohibited by the law of God and of Christ," for "the Christian magistrate to invade the government of the Church," and consequently "to challenge to himself the right of both swords, spiritual and temporal; and if any magistrate . . do arrogate so much to himself, the Church shall have cause to complain, and exclaim, that the Pope is changed but the Papacy remains[f]." So, if kings and magistrates stand in their way, they are political Popes, as well as Bishops are ecclesiastical. Whatsoever these men do, is "in the Name of our Lord Jesus, and by authority delegated from Him alone[g]."

Lastly, they teach, that they have all this power, not only without the magistrate, but against the magistrate; that is, although he dissent, and send out his prohibitions to the contrary. "Parliamentary ratifications can no way alter Church canons concerning the worship of God[h]." For

[b] [Ibid.]

[c] [Ibid.,] c. 12. [p. 97.]

[d] Second Bk. of Disc., c. 1. [pp. 78, 79.]

[e] Theoremata 111, impress. Edinb. 1647, decreto Synodi, Theor. 4. [Scil. by an Act of the Gen. Assemb. of 1647:—reprinted at London in the same year under the title of "A Form for Church Government and Ordination of Ministers, contained in CXI. Propositions, propounded to the late General Assembly at Edinb. 1647: together with an Act concerning Erastianisme, Independencie, and Liberty of Conscience. Publ. by Authority." Bramhall retranslated from a Latin translation.]

[f] [Ibid.,] theor. 81. ["Spiritual and *corporal*."]

[g] [Ibid.,] theor. 62. ["*entrusted or received* from Him alone."]

[h] Information from Scotland [scil. "The Beast is Wounded, or Inf. f. Scotl. concerning their Reformation," First Part, by "John Bastwick's younger brother, printed in the yeare that the Bishops had their downefall in Scotland" (1639),] p. 19 [at the end of the Confess. of Faith.]

"ecclesiastical discipline ought to be exercised, whether it be ratified by the civil magistrate or not; . . the want of a civil sanction to the Church, is but like '*lucrum cessans, non damnum emergens;*' as it adds nothing to it, so it takes nothing away from it[i]." If there be any clashing of jurisdictions, or defect in this kind, they lay the fault at the magistrate's door. It is a great sin or wickedness, "for the magistrate to hinder the exercise or execution of ecclesiastical discipline[k]."

[The vain pretences of the Scottish Disciplinarians.]

Now we have seen the pernicious practices of their synods, with the doctrines from which they flow; it remains to dispel umbrages, wherewith they seek to hide the ugliness of their proceedings and principles from the eyes of the world.

[1. That they grant the Christian magistrate a political presidency in synods.]

We (say they) do give the Christian magistrate a political power, to convocate synods, to preside in synods, to ratify the Acts of synods, to reform the Church. We make him "the keeper of both Tables[l]."

Take nothing and hold it fast; here are good words, but they signify nothing. Trust me: whatsoever the Disciplinarians do give to the magistrate, it is always with the saving of their own stakes; not given for his advantage, but their own. For they teach, that this power of the Christian magistrate is "not privative and destructive" to the power of the Church, "but cumulative, and" only "auxiliary" or assisting[m].

Besides the power which they call abusively "authoritative," but is indeed ministerial, of executing their decrees, and contributing to their settlement, they ascribe to the magistrate concerning the Acts of synods, that which every private man hath, 'a judgment of discretion,' but they retain to themselves the 'judgment of jurisdiction.' And if he judge not as they would have him, but suspend out of conscience the influence of his political power, where they would have him exercise it, they will either teach him another point of Popery, that is, an implicit faith, or he may perchance feel the weight of their Church-censures, and find quickly what manner of men they
498 be; as our late gracious King Charles, and before him his

[i] [Theor. 111,] theor. 98.
[k] [Ibid.,] theor. 82.
[l] [Ibid., theor. 41, 43, 50, &c.]
[m] [Ibid.,] theor. 96.

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father, his grandmother, and his great grandmother, did all to their cost[n].

Then, in plain English, what is this political power, to call synods, to preside in synods, and to ratify synods, which these good men give to the magistrate, and magnify so much? I shall tell the truth. It is a duty which the magistrate owes to the Kirk, when they think necessary to have a synod convocated, to strengthen their summons by a civil sanction, to secure them in coming to the synod and returning from the synod, to provide them good accommodation, to protect them from dangers, to defend their rights and privileges, to compel obstinate persons by civil laws and punishments to submit to their censures and decrees[o]. What gets the magistrate by all this to himself? He may put it all in his eye and see never a whit the worse. For they declare expressly, that "neither all the power, nor any part of the power, which synods have to deliberate of or to define ecclesiastical things" (though it be in relation to their own subjects), "doth flow from the magistrate, but because in those things which belong to the outward man" (mark the reason), "the Church stands in need of the help of the magistrate[p]." Fair fall an ingenuous confession; they attribute nothing to the magistrate, but only what may render him able to serve their own turns, and supply their needs. I wish these men would think a little more of the distinction between habitual and actual jurisdiction. After a schoolmaster hath his licence to teach, yet his actual jurisdiction doth proceed from the parents of his scholars. And though he enjoy a kind of supremacy among them, he must not think that this extinguisheth either his own filial duty or theirs.

[2. That they grant him a power of reforming the Church.]

Like this power of presiding politically in synods, is the other power which they give him, of reforming the Church; that is, when the state of the Church is corrupted, but not when it is pure, as they take it for granted that it is when the jurisdiction is in their own hands.—"Although godly kings and princes sometimes, by their own authority, when the Kirk is corrupted, and all things out of order, place ministers, and restore the true service of the Lord, after the

[n] [viz. James I., Mary of Scotland, and Mary of Guise.]

[o] [Theor. 111,] theor. 50. et 51. [52, 61, &c.]

[p] Ibid., [theor. 50.]

example of some godly kings of Judah, and divers godly emperors and kings also in the light of the New Testament; yet, where the ministry of the Kirk is once lawfully constituted, and they that are placed, do their office faithfully, all godly princes and magistrates ought to hear and obey their voice, and reverence the Majesty of the Son of God speaking in them[q].” Leave this juggling. Who shall judge when the Church is corrupted? The magistrates, or Churchmen? If the magistrates, why not over you, as well as others? If the Churchmen, why not others as well as you? Here is nothing to be answered, but to beg the question,—that they only are the true Church. Hear another witness;—“In evil and troublesome times, and in a lapsed state of affairs, when the order instituted by God in the Church is degenerated to tyranny, to the trampling upon the true religion, and oppressing the professors of it, when nothing is sound, the godly magistrate may do some things, which ordinarily are not lawful,” &c.; “but ordinarily and of common right, in Churches already constituted, if a man fly to the magistrate, complaining that he is injured by the abuse of ecclesiastical discipline, or if the sentence of the presbyteries displease the magistrate, either in point of discipline or of faith, he must not therefore draw such causes to a civil tribunal, nor introduce a political Papacy[r]:” and,—“As the magistrate hath power in extraordinary cases, when the Church is wholly corrupted, to reform ecclesiastical abuses, so, if the magistrate shall tyrannise over the Church, it is lawful to oppose him, by certain ways and means, extraordinary, however ordinarily not to be allowed[s].” This is plain dealing; the magistrate cannot lawfully reform them, but in “cases extraordinary;” and “in cases extraordinary” they may lawfully reform the magistrate, by means “not to be ordinarily allowed,” that is, by force of arms. See the principles from whence all our miseries, and the loss of our gracious master, hath flowed, and learn to detest them. They “give the magistrate the custody of both Tables[t];”—so they do give the same to themselves. They keep the second Table, by admonishing him;

[q] Second Bk. of Disc., c. 10. [p. 92.]
[r] [Theor. 111,] theor. 84 et 85.
[s] Ibidem. [theor. 84.]
[t] [Ibid.,] theor. 43.

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he keeps the first Table, by assisting them. They reform the abuses of the first Table by ordinary right; of the second Table extraordinarily: he reforms the abuses against the second Table by ordinary right; and the abuses against the first Table extraordinarily.

But can the magistrate, according to their learning, call the 499
synod to an account for any thing they do? Can he remedy the errors of a synod either in doctrine or discipline? No. If magistrates had power "to change, or diminish, or restrain the rights of the Church, . . the condition of the Church should be worse, and their liberties less, under a Christian magistrate than under a heathen[u];" for (say they) "Parliaments and supreme senates are no more infallible than synods, and in matters of faith and discipline more apt to err[x]:" and again, "The magistrate is not judge of spiritual causes controverted in the Church; and if he decree any thing in such businesses, according to the wisdom of the flesh, and not according to the rule of God's Word, and the wisdom which is from above, he must give an account of it unto God[y]."

Or may the supreme magistrate oppose the execution of their discipline practised in their presbyteries, or synods, by laws or prohibitions? No; it is wickedness; "if he do so far abuse his authority, good Christians must rather suffer extremities than obey him[z]."

Then what remedy hath the magistrate, if he find himself grieved in this case? "He may desire and procure a review in another national synod, that the matter may be lawfully determined by ecclesiastical judgment[a];" yet upon this condition, that "notwithstanding the future review, the first sentence of the synod be executed without delay[b]." This is one main branch of Popery, and a gross encroachment upon the right of the magistrate.

[u] [Ibid.,] theor. 95.
[x] [Ibid.,] theor. 88.
[y] [Ibid.,] theor. 82.
[z] [Ibid.,] theor. 99.
[a] [Ibid.,] theor. 91.
[b] [Ibid., theor.] 92.

CHAP. III.

THAT THIS DISCIPLINE ROBS THE MAGISTRATE OF THE LAST APPEAL OF HIS SUBJECTS.

I. ii. The second flows from this. The last appeal ought to be to the supreme magistrate, or magistrates, within his or their dominions, as to the highest power under God. And where it is not so ordered, the commonwealth can enjoy no tranquillity; as we shall see in the second part of this Discourse. By the laws of England, if any man find himself grieved with the sentence or consistorial proceedings of a Bishop, or of his officers, he may appeal from the highest judicatory of the Church to the king in Chancery, who useth in that case to grant commissions under the Great Seal, to delegates expert in the laws of the realm, who have power to give him remedy and to see justice done[c]. In Scotland this would be taken in great scorn, as a high indignity put upon the commissioners of Christ, to appeal from His tribunal to the judgment of a mortal man. In the year 1582, King James, [A.D.] 1582 by his letter, by his messenger, the Master of Requests, and by a herald at arms, prohibited the assembly at St. Andrew's to proceed in the case of one Montgomery, and Montgomery himself appealed to Cæsar, or to king and council. What [Acts xxv. 11.] did our new masters upon this? They slighted the king's letter, his messenger, his herald; rejected the appeal, as "made to an incompetent judge;" and proceeded most violently in the cause[d]. About four years after this, another synod held at [A.D. 1586] St. Andrew's, proceeded in like manner against the Bishop of that see, for voting in Parliament according to his conscience, and for being suspected to have penned a declaration, published by the king and Parliament at the end of the statutes, notwithstanding that he declined their judicature, and appealed to the king and Parliament[e]. When did any Bishops dare to do such acts? There need no more instances; their Book of Discipline itself being so full in the

[c] [25 Hen. VIII. c. 19. See Gibson, Codex, tit. xlv. c. 6; and Just Vindication, c. iv.; above in vol. i. p. 144.]

[d] Assemb. St. Andrew's, 1582. [Spottisw., bk. vi. pp. 318, 319.—M'Crie, Life of Melville, vol. i. p. 268; and see below p. 256. note j.]

[e] Assemb. St. Andrew's, 1586. [in the case of Bp. Adamson;—Spottisw., bk. vi. pp. 345—347.]

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case;—from the Kirk there is no "reclamation, or appellation, to any judge, civil or ecclesiastical, within the realm[f]."

CHAP. IV.

500

THAT IT EXEMPTS THE MINISTERS FROM DUE PUNISHMENT.

[Impunity claimed by Scottish Disciplinarians for the pulpit, even in cases of treason.]

I. iii. THIRDLY, if ecclesiastic persons, in their pulpits or assemblies, shall leave their text and proper work to turn incendiaries, trumpeters of sedition, stirring up the people to tumults and disloyal attempts, in all well ordered kingdoms and commonwealths they are punishable by the civil magistrate, whose proper office it is to take cognizance of treason and sedition. It was well said by a king of France to some such seditious Shebas, that if they would not let him alone in their pulpits, he would send them to preach in another climate[g]. In the United Provinces there want not examples of seditious orators, who, for controlling their magistrates too saucily in the pulpit, have been turned both out of their churches and cities[h], without any fear of wresting Christ's sceptre out of His hand. In Geneva itself, the correction of ecclesiastical persons (*qua tales*) is expressly reserved to the Signiory[i]. So much our Disciplinarians have out-done their pattern, as the passionate writings of heady men out-do the calmer decrees of a staid senate.

But the ministers of Scotland have exempted themselves in this case from all secular judgment, as King James (who knew them best of any man living) witnesseth. They said, he was an "incompetent judge" in such cases, and that "matters of the pulpit ought to be exempted from the judgment and correction of princes[j]." They themselves speak plain enough:—it is "an absurd thing," that "sundry of them" (commissaries), "having no function of the Kirk, should be judges to ministers, and depose them from their rooms[k]." The reason holds as well against magistrates as

[f] Second Bk. of Disc., chap. 12. [p. 97.]

[g] [See below p. 300.]

[h] [See Brandt's Hist. of the Reform. in Low Countries, passim.]

[i] Ordonn. Eccl. p. 14. ["Ainsi que le dernier jugement de la correction soit tousjours reservé à la seigneurie."]

[j] Declarat. 1584. [Decl. of Kg. James made in Scotl. Anno Dom. 1584, concerning Ch. Governm., pp. 2, 3, as reprinted in 1646.]

[k] Second Bk. of Disc., c. 11. [p. 95.]

commissaries. To pass by the saucy and seditious expressions of Mr. Dury[l], Mr. Melvil[m], Mr. Ballcanquell[n], and their impunity:—Mr. James Gibson in his sermon taxed the king for a "persecutor," and threatened him with a curse, that he should "die childless, and be the last of his race;" for which, being convented before the assembly, and not appearing, he was only suspended during the pleasure of his brethren (he should have been suspended indeed, that is, hanged); but at another assembly, in August following, upon his allegation, that his not appearing was out of his tender care of the rights of the Church, he was purged from his contumacy, without once so much as acquainting his Majesty[o].

Discourse I.

[Mr. James Gibson, A.D. 1587.]

The case is famous of Mr. David Blake, Minister of St. Andrew's[p]; who had said in his sermon, that the king had discovered the "treachery of his heart," in admitting the Popish lords into the country; that all kings were "the Devil's bairns;" that "the Devil was in the Court, and in the guiders of it;" and in his prayer for the Queen, he used these words, "we must pray for her for fashion's sake, but we have no cause, she will never do us any good." He said, that "the Queen of England" (Queen Elizabeth) was "an atheist;" that the Lords of the Session were "miscreants and bribers;" that the nobility were "degenerated, godless, dissemblers, and enemies to the Church;" that the Council were "holliglasses[q], cormorants, and men of no religion[r]." I appeal to all the estates in Europe, what punishment could be severe enough for such audacious virulence? The English ambassador complains of it. Blake is cited before the Council. The commissioners of the Church plead, that "it will be ill taken, to bring ministers in question upon such trifling delations," as inconsistent with the liberties of the Church. They "conclude, that a declinator should be used and a protestation made against those proceedings," saying it was "God's cause, wherein they ought to stand to all hazards."

Master David Blake, A.D. 1596.

[l] [In 1584;—Spottisw., bk. vi. p. 329.]

[m] [In 1584:—Spottisw., bk. vi. p. 330.]

[n] [In 1581:—Spottisw., bk. vi. p. 317.]

[o] At Edinb. [Spottisw., bk. vi. pp. 367, 368.]

[p] [This account is abridged from Spottiswood, bk. vi. pp. 419—431.]

[q] [i. e. Howleglasses, or buffoons, from the famous jester Ulen-Spiegle; see Nares' Glossary under Owleglass.]

[r] [Spottisw., bk. vi. pp. 423, 424.]

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Accordingly a declinator was framed and presented. Blake desires to be remitted to the presbytery, as his ordinary. The commissioners send the copy of the declinator to all the presbyteries, requiring them, for the greater corroboration of their doings, to subscribe the same, and to commend the cause in hand in their private and public prayers to God, using their best credit with their flocks for the maintenance thereof. The king, justly incensed herewith, dischargeth the meeting of the commissioners. Notwithstanding this in- 501
junction they stay still, and send delegates to the king, to represent the inconveniences that might ensue. The king, more desirous to decline their envy than they his judgment, offers peace. The commissioners refuse it, and present an insolent petition, which the king rejects deservedly, and the cause was heard the very day that the Princess Elizabeth (now Queen of Bohemia) was christened. The witnesses were produced. Mr. Robert Pont in the name of the Church makes a protestation. Blake presents a second declinator. The Council decree, that the cause, being treasonable, is cognoscible before them. The good king still seeks peace, sends messengers, treats, offers to remit. But it is labour in vain. The ministers answer peremptorily by Mr. Robert Bruce their Prolocutor, that "the liberty of Christ's kingdom had received such a wound by this usurpation of the rights of the Church, that if the lives of Mr. Blake and twenty others had been taken, it would not have grieved the hearts of good people so much, as these injurious proceedings." The king still wooes and confers. At last the matter is concluded, that the king shall make a declaration in favour of the Church, that Mr. Blake shall only make an acknowledgment to the Queen and be pardoned. But Mr. Blake refuseth to confess any fault, or to acknowledge the king and Council to be any judges of his sermon. Hereupon he is convicted, and sentenced 'to be guilty of false and treasonable slanders,' and his punishment referred to the king. Still the king treats, and makes propositions unbeseeming his majesty, once or twice. The ministers reject them, proclaim a fast, raise a tumult in Edinburgh, petition, prefer articles. The king departeth from the city, removeth his courts of justice. The people repent. The ministers persist, and seek to engage

the subjects in "a covenant for mutual defence." One Mr. Welch in his sermon tells the people, that "the king was possessed with a devil," yea, with "seven devils;" that "the subjects might lawfully rise and take the sword out of his hands." The seditious, encouraged from the pulpit, send a letter to the Lord Hamilton, to come and be their general. He nobly refuseth, and sheweth their letter to the king. Hereupon the ministers are sought for to be apprehended, and fly into England. The tumult is declared to be treason by the Estates of the kingdom. I have urged this the more largely (yet as succinctly as I could), to let the world see what dangerous subjects these Disciplinarians are, and how inconsistent their principles be with all orderly societies.

CHAP. V.

THAT IT SUBJECTS THE SUPREME MAGISTRATE TO THEIR CENSURES, &c.

I. iv. Fourthly, they have not only exempted themselves in their duties of their own function, from the tribunal of the sovereign magistrate, or supreme senate, but they have subjected him and them (yea, even in the discharge of the sovereign trust) to their own consistories, even to the highest censure of excommunication, which is like the cutting off a member from the body natural, or the out-lawing of a subject in the body politic; excommunication, that very engine, whereby the Popes of old advanced themselves above emperors. "To discipline must all the estates within this realm be subject, as well rulers, as they that are ruled[t]." And elsewhere, "All men, as well magistrates as inferiors, ought to be subject to the judgment of General Assemblies[u]." And yet again, "No man that is in the Church, ought to be exempted from ecclesiastical censures[x]." What horrid and pernicious mischiefs do use to attend the excommunication of sovereign magistrates, I leave to every man's memory, or imagination. Such courses make great kings become cyphers, and turn the tenure of a crown copyhold, "*ad voluntatem dominorum.*" Such doctrines might better become some of

[t] First Bk. of Disc., 7th head. [p. 59.]

[u] Second Bk. of Disc., c. 12. [p. 97.]

[x] [Theor. 111.,] theor. 8.

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the Roman Alexanders, or Bonifaces, or Gregorius, or Pius Quintus, than such great professors of humility, such great disclaimers of authority, who have inveighed so bitterly against the Bishops for their usurpations. This was never the practice of any orthodox Bishop. St. Ambrose is mistaken: what he did to Theodosius was no act of ecclesiastical jurisdiction, but of Christian discretion[y]. No, he was better grounded. David said, "Against Thee only have I sinned," [Ps. li. 4.] 502 because he was a king. Our Disciplinarians abhor the name of authority, but hug the thing. Their profession of humility is just like that Cardinal's hanging up of a fisher's net in his dining-room, to put him in mind of his descent; but so soon as he was made Pope, he took it down, saying, "The fish was caught now, there was no more need of the net."

CHAPTER VI.

THAT IT ROBS THE MAGISTRATE OF HIS DISPENSATIVE POWER.

[Remission of capital punishment forbidden by Scottish Disciplinarians to the magistrate, where the judicial law enjoins the penalty of death.]

I. v. FIFTHLY, all supreme magistrates do assume to themselves a power of pardoning offences and offenders, where they judge it to be expedient. He who believes that the magistrate cannot with a good conscience dispense with the punishment of a penitent malefactor, I wish him no greater censure, than that the penal laws might be duly executed upon him, until he recant his error. But our Disciplinarians have restrained this dispensative power in all such crimes as are made capital by the judicial law; as in the case of blood, adultery, blasphemy, &c.; in which cases, they say,—"the offender ought to suffer death, as God hath commanded;" and,—"if the life be spared, as it ought not to be, to the offenders[z]," &c.; and,—the magistrate ought to "prefer God's express commandment before his own corrupt judgment, especially in punishing these crimes which he commandeth to be punished with death[a]."

[Earls of Angus, Huntley, and Errol.]

When the then Popish Earls of Angus, Huntley, and Errol, were excommunicated by the Church, and forfeited for

[y] [See Fleury, Hist. Eccl., liv. xix. § 20—22. The example is cited in Theor. 111, theor. 83; and was a common topic at the time.]

[z] First Bk. of Disc., 9th head. [p. 69; and 7th head, p. 54.]

[a] Ibidem. [p. 70.]

treasonable practices against the king, it is admirable to read, with what wisdom, and charity, and sweetness, his Majesty did seek from time to time to reclaim them from their errors, and by their unfeigned conversion to the Reformed Religion, to prevent their punishment. Wherein he had the concurrence of two Conventions of Estates, the one at Falkland, the other at Dunfermling. And on the other side, to see with what bitterness and radicated malice they were prosecuted by the presbyteries, and their commissioners; sometimes petitioning, that "they might have no benefit of law, as being excommunicated;" sometimes threatening, that "they were resolved to pursue them to the uttermost, though it should be with the loss of all their lives in one day;" that "if they continued enemies to God and His truth, the country should not brook both them and the lords together;" sometimes pressing to have their estates confiscated, and their lives taken away, alleging for their ground, that "by God's law they had deserved death." And when the king urged, that the bosom of the Church should be ever open to penitent sinners, they answered, that "the Church could not refuse their satisfaction, if it was truly offered, but the king was obliged to do justice[b]." What do you think of those that roar out, Justice, Justice, now-a-days, whether they be not the right spawn of these blood-suckers. Look upon the examples of Cain, Esau, Ishmael, Antiochus, Antichrist; and tell me, if you ever find such supercilious, cruel, blood-thirsty persons, to have been pious towards God; but their religion is commonly like themselves, stark naught. "Cursed be their anger, for it was fierce; and their wrath, for it was cruel." Gen. xxxix. 7.

[Other encroachments of Scottish Disciplinarians.]

These are some of those encroachments which our Disciplinarians have made upon the rights of all supreme magistrates: there be sundry others, which especially concern the kings of Great Britain; as the loss of his tenths, first-fruits, and patronages, and (which is more than all these) the dependence of his subjects: by all which we see, that they have thrust out the Pope indeed but retained the Papacy.

[b] Assemb. Edinb. [1593,] 1594, [and 1596]; — Parl. Edinb. 1594 — [Convent. of Estates, Falkl. and Dunferml., 1596; Spottisw., bk. vi. pp. 397—406, 417-419.]

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The Pope as well as they, and they as well as the Pope (neither barrel better herrings), do make kings but half kings[c], kings of the bodies, not of the souls, of their subjects. They allow them some sort of judgment over ecclesiastical persons, in their civil capacities; for it is little (according to their rules), which either is not ecclesiastical, or may not be reduced to ecclesiastical. But over ecclesiastic persons, as they are ecclesiastics, or in ecclesiastical matters, they ascribe unto them no judgment in the world. They say, it "cannot stand with the word of God;" that "no Christian prince ever claimed or can claim to himself such a power[d]." If the magistrate will be contented to wave his power in ecclesias- 503
tical matters, and over ecclesiastical persons (as they are such), and give them leave to do what they list, and say what they list, in their pulpits, in their consistories, in their synods, and permit them to rule the whole common-wealth, in order to the advancement of the Kingdom of Christ; if he will be contented to become a subordinate minister to their assemblies, to see their decrees executed; then, it may be, they will become his good masters, and permit him to enjoy a part of his civil power. When sovereigns are made but accessaries, and inferiors do become principals, when stronger obligations are devised than those of a subject to his sovereign, it is time for the magistrate to look to himself; these are prognostics of ensuing storms, the avant-couriers of seditious tumults. When supremacy lights into strange and obscure hands, it can hardly contain itself within any bounds. Before our Disciplinarians be well warmed in their ecclesiastical supremacy, they are beginning, or rather they have already made a good progress, in the invasion of the temporal supremacy also.

[c] [See above in the Replic. to the Bp. of Chalced., c. iii. sect. 2, vol. ii. p. 104. note i. Bramhall seems to have had England in his thoughts when writing the preceding sentence; for in Scotland (as Baillie observed in answer) the king could not *lose* first fruits and tenths, inasmuch as he never possessed them.]

[d] Vindication of Commissioners, June 6, 1648. [not to be met with.]

CHAP. VII.

THAT THE DISCIPLINARIANS CHEAT THE MAGISTRATE OF HIS CIVIL POWER IN ORDER TO RELIGION.

I. vi. THAT is their sixth encroachment upon the magistrate, and the vertical point of Jesuitism. [Encroachment of Scottish Disciplinarians upon the civil power.]

Consider, first, how many civil causes they have drawn directly into their consistories, and made them of ecclesiastical cognizance; as fraud in bargaining, false weights and measures, oppressing one another[e], &c., and, in the case of ministers, bribery, perjury, theft, fighting, usury, &c.[f] [1. Directly.]

Secondly, consider, that all offences whatsoever are made cognoscible in their consistories in case of scandal; yea, even such as are punishable by the civil sword with death. "If the civil sword foolishly spare the life of the offender, yet may not the Kirk be negligent in their office, which is to excommunicate the wicked[g]." [2. Co-ordinately.]

Thirdly, they ascribe unto their ministers a liberty and power to direct the magistrate, even in the managery of civil affairs.—"To govern the commonwealth, and to establish civil laws, is proper to the magistrate; to interpret the Word of God, and from thence to shew the magistrate his duty, how he ought to govern the commonwealth, and how he ought to use the sword, is comprehended in the office of the minister; for the Holy Scripture is profitable, to shew what is the best government of the commonwealth[h]." And again,—"All the duties of the second Table as well as of the first, between king and subject, parents and children, husbands and wives, masters and servants," &c., "are in difficult cases a subject of cognizance and judgment to the Assemblies of the Kirk[i]." Thus they are risen up from a 'judgment of direction' to a 'judgment of jurisdiction.' And if any persons, magistrates or others, dare act contrary to this judgment of the Assembly (as the Parliament and Committee of Estates did in Scotland in the late expedition), they make it to be "an unlawful engagement," a "sinful" war, "contrary to the testi- [3. By way of direction.] [A.D. 1648]

[e] First Bk. of Disc., 7th head. [p. 54.]

[f] Second Bk. of Disc., c. 7. [pp. 87, 88.]

[g] First Bk. of Disc., 9th head [p. 69.]

[h] [Theor. III.,] theor. 47 et 48.

[i] [Act of Gen. Assem. Aug. 1, 1648.]

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monies of God's servants[j];" and decree the parties so offending to be 'suspended from the Communion, and from their offices in the Kirk[k].' I confess, ministers do well, to exhort Christians to be careful, honest, industrious in their special callings; but for them to meddle pragmatically with the mysteries of particular trades, and much more with the mysteries of state, which never came within the compass of their shallow capacities, is a most audacious insolence, and an insufferable presumption. They may as well teach the pilot how to steer his course in a tempest, or the physician how to cure the distempers of his patient.

[4. "In ordine ad spiritualia."]

But their highest cheat is that Jesuitical invention, "*In ordine ad spiritualia*[l]." They assume a power in worldly affairs indirectly, and in order to the advancement of the Kingdom of Christ.—"The ecclesiastical ministry is conversant spiritually" about civil things[m]: again, "Must not duties to God, whereof the securing of religion is a main one, have the supreme and first place, duties to the king a subordinate and second place[n]?" The case was this. The Parliament levied forces to free their king out of prison; a mere civil duty. But the Commissioners of the Assembly [A.D.1648] declare against it, unless the king will first give assurance "under hand and seal by solemn oath," that he will establish the Covenant, the Presbyterian Discipline, &c., "in all his dominions," and never "endeavour any change thereof[o];" lest otherwise his liberty might bring their "bygone proceedings about the League and Covenant into question[p]." There is their power "*in ordine ad spiritualia*." The Parliament will restore to the king his negative voice; a mere civil thing. The Commissioners of the Church oppose it, "because of the great dangers that may thereby come to religion[q]." The Parliament name officers and commanders for the army; a mere civil thing. The Church will not allow them, because 504

[j] Solemn Acknowledgment [of Publick Sins and Breaches of the Covenant, &c.], Octob. 6, 1648. [among the authorized formularies of the Scottish Kirk, p. 510. Edinb. 1841.]—Vindic. of Commiss., p. 6.

[k] [Act of Gen. Assem., Aug. 3, 1648.]

[l] [Bellarm., De Pontif., lib. v. c. 6; Op. tom. i. p. 1062. D.]

[m] [Theor. 11,] theor. 62 et 63.

[n] Vindication [of Commiss.] p. 5.

[o] [Humble Desires &c. March 22, 1648 (see below p. 274. note r), p. 5. as reprinted in Lond. 1648.]

[p] [Humble Petition of Commissioners of Gen. Assemb. to Parl. of Scotl. April 18, 1648, p. 2. as reprinted in London the same year.]

[q] Humble Advice, Edinb., June 10, 1648. [not to be met with.]

they want such qualifications as God's Word requires[r]; that is to say, in plain terms, because they were not their confidents. Was there ever Church challenged such an omnipotence as this? Nothing in this world is so civil or political, wherein they do not interest themselves, 'in order to the advancement of the Kingdom of Christ.'

[Their practice in this point.]

Upon this ground their synod enacted, that no Scottish merchants "should from thenceforth traffic in any of the dominions of the King of Spain," until his Majesty had procured from that king some relaxation of the rigour of the Inquisition, upon pain of excommunication[s]. As likewise, that the Monday market at Edinburgh should be abolished[t]; it seems they thought it ministered some occasion to the breach of the Sabbath. The merchants petitioned the king to maintain the liberty of their trade; he grants their request, but could not protect them; for the Church prosecuted the poor merchants with their censures, until they promised to give over the Spanish trade, so soon as they had perfected their accounts, and paid their creditors in those parts. But the shoemakers, who were most interessed in the Monday markets, with their tumults and threatenings compelled the ministers to retract. Whereupon it became a jest in the city, that "the souters could obtain more at the ministers' hands than the king[u]." So they may meddle with the Spanish trade, or Monday markets, or any thing, "in order to religion." [A.D.1593]

Upon this ground they assume to themselves a power to ratify Acts of Parliament. So the Assembly at Edinburgh enacted, that "the Acts made in the Parliament at Edinburgh the 24th of August, 1560" (without either commission or proxy from their sovereign) "touching religion," &c. "should . . have the force of a public law;" and that "the said Parliament, so far as concerned religion, should be maintained by them," &c., "and be ratified by the first Parliament that should happen to be kept within that realm[v]." See how bold they make with kings and Parliaments, "in order to religion." I cannot omit that famous summons which this [A.D.1567]

[r] Vindication &c., p. 8.
[s] Assemb. Dundee 1593. [Spottisw., bk. vi. p. 393.]
[t] [Ibid.]
[u] [Spottisw., bk. vi. p. 394.]
[v] Assemb. Edinb. 1567. [Spottisw., bk. iv. p. 209.]

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Assembly sent out, not only to "entreat," but to "admonish, all persons truly professing the Lord Jesus within the realm, as well noblemen as barons and those of the other estates, to meet and give their personal appearance at Edinburgh" the 20th of July ensuing, "for giving their advice . . and concurrence in matters then to be proponed, especially for purging the realm of Popery, establishing the policy of the Church, and restoring the patrimony thereof to the just possessors; assuring such as did absent themselves, . . that they should be esteemed . . dissimulate professors, unworthy of the fellowship of Christ's flock[x]." Who thinks your Scottish Disciplinarians know not how to ruffle it?

Upon this ground they assume a power to abrogate and invalidate laws and Acts of Parliament, if they seem disadvantageous to the Church. Church Assemblies "have power to abrogate and abolish all statutes and ordinances concerning ecclesiastical matters, that are found noisome and unprofitable, and agree not with the times or are abused by the people[y]." So the Acts of Parliament 1584, at the very same time that they were proclaimed, were protested against at the market cross of Edinburgh by the ministers, in the name of the Kirk of Scotland[z]. And a little before, "Whatsoever be the treason of impugning the authority of Parliament, it can be no treason to obey God rather than man; neither did the General Assembly of Glasgow 1638," &c., "commit any treason, when they impugned Episcopacy, and Perth-articles, although ratified by Acts of Parliament and standing laws then unrepealed[a]."

He saith so far true, that we ought "rather to obey God than man;" that is, to suffer when we cannot act; but to impugn the authority of a lawful magistrate, is neither to 505
obey God nor man. God commands us to die innocent rather than live nocent; they teach us rather to live nocent than die innocent. Away with these seeds of sedition, these rebellious principles. Our Master Christ hath left us no such warrant; and the unsound practice of an obscure conventicle is no safe pattern.

[x] [Ibid. Spottisw., bk. iv. pp. 208, 209.]
[y] Second Bk. of Disc., c. 7. [p. 86.]
[z] Vindication, p. 11. [By Mr. Rob. Pont. See Spottisw., bk. vi. p. 333.]
[a] [Vindic.,] p. 10.

The king was surprised at Ruthen by a company of lords and other conspirators[b]; this fact was as plain treason as could be imagined, and so it was declared (I say declared, not made) in Parliament[c]. Yet an Assembly General (no man gain-saying) did "justify" that treason in order to religion, as "good and acceptable service to God, their sovereign, and native country;" requiring the ministers in all their churches to commend it to the people, and exhort all men "to concur" with the actors, "as they tendered the glory of God, the full deliverance of the Church, and perfect reformation of the commonwealth;" threatening all those who subscribed not to their judgment with excommunication[d].

We see this is not the first time that Disciplinarian spectacles have made abominable treason to seem religion, if it serve for the advancement of the good cause. And it were well if they could rest here, or their zeal to advance their ecclesiastical sovereignty, by force of arms, and effusion of Christian blood, would confine itself within the limits of Scotland. No, those bounds are too narrow for their pragmatical spirits, and for busy Bishops in other men's dioceses. See the Articles of Sterling,—"that the securing and settling [A.D.1648] religion at home, and promoting the work of reformation abroad, in England and Ireland, be referred to the determination of the General Assembly" (of the Kirk) "or their Commissioners[e]." What? is old Edinburgh turned new Rome, and the old presbyters young Cardinals, and their consistory a conclave, and their committees a junto for propagating the Faith? Themselves stand most in need of reformation. If there be a mote in the eye of our Church, there is a beam in theirs. Neither want we at home (God be praised) those who are a thousand times fitter, for learning, for piety, for discretion, to be reformers, than a few giddy in-

[b] A.D.1582 [See Spottisw., bk. vi. pp. 320, 321;—Heylin, Hist. Presb., bk. v. pp. 226—229.]

[c] [Parl.] 1583. [Spottisw., bk. vi. p. 329.]

[d] Assemb. Edinb. 1582. [Spottisw., bk. vi. pp. 322, 323;—Heylin, Hist. Presb., bk. v. pp. 227, 228.]

[e] ["Articles agreed on by the Commissioners appointed by the Noblemen, Gentlemen, and Burgesses who protested against the late Engagement, and are now in arms in and about Edinburgh, and by" similar Commissioners &c., for "the Scottish and Irish forces" who "are now in armes in and about Stirling,"]. Sept. [26 and] 27, 1648, Art. 3. [printed in London Oct. 18, 1648, with "The Last Declar. of the Committee of Estates now assemb. in Scotl., concerning their proceedings in opposition to the late unlawful Engagement against England."—p. 23.]

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Nothing is more civil, or essential to the crown, than the Militia, or power of raising arms. Yet we have seen in the attempt at Ruthen, in their letter to the Lord Hamilton, in their sermons[f], what is their opinion. They insinuate as much in their Theorems,—"It is lawful to resist the magistrate by certain extraordinary ways or means, not to be ordinarily allowed[g]." It were no difficult task, out of their private authors, to justify the barbarous acts that have been committed in England. But I shall hold myself to their
Anno 1562. public actions and records. A mutinous company of citizens forced the gates of Holyrood-house, to search for a Priest, and plunder at their pleasure. Mr. Knox "was charged by the Council to have been the author of the sedition;" and further, to have "convocated" his Majesty's "subjects by his letters missive when he pleased." He "answered, that he was no preacher of rebellion, . . but taught people to obey their princes in the Lord" (I fear he taught them likewise, that he and they were the only competent judges, what is obedience in the Lord). He confessed his "convocating of the subjects," by virtue of "a command from the Church, to advertise the brethren when he saw a necessity of their meeting, especially if he perceived religion to be in peril[h]."
[A.D.1593] Take another instance:—the Assembly having received an answer from the king, about the trial of the Popish lords, not to their contentment, resolve all to "convene in arms at the place appointed for the trial;" whereupon "some were left at Edinburgh to give timely advertisement to the rest;" the king at his return gets notice of it, calls the ministers before him, shews them what an "undutiful part it was in them to levy forces, and draw his subjects into arms without his warrant;" the ministers pleaded, that "it was the cause of God, in defence whereof they could not be deficient[i]." This is the Presbyterian wont,—to subject all causes and persons to

[f] [Above pp. 256-259, 267.]

[g] [Theor. 111,] theor. 84.

[h] Anno 1562. [Spottisw., bk. iv. p. 188. It should be "*her* Majesty," viz. Qu. Mary. See also M'Crie, Life of Knox, Period vii. vol. ii. pp. 95—106.]

[i] Assemb. Edinb. 1593. [Spottisw., bk. vi. p. 398.]

their consistories, to ratify and abolish civil laws, to confirm and pull down Parliaments, to levy forces, to invade other kingdoms, to do any thing respectively to the advancement of the good cause, and "in order to religion." Discourse I.

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CHAP. VIII.

THAT THE DISCIPLINARIANS CHALLENGE THIS EXORBITANT POWER BY DIVINE RIGHT.

[Their exorbitant claim of no less than Papal authority.]

Behold both swords, spiritual and temporal, in the hands of the presbytery; the one ordinarily, by common right, the other extraordinarily; the one belonging directly to the Church, the other indirectly; the one *of* the kingdom of Christ, the other *for* His Kingdom, in order to the propagation of religion. See how these *Hocus pocuses*, with stripping up their sleeves and professions of plain-dealing, with declaiming against the tyranny of prelates, under the pretence of humility and ministerial duty, have wrested the sceptre out of the hand of Majesty, and juggled themselves into as absolute a Papacy as ever was within the walls of Rome. O Saviour, behold Thy vicars, and see whither the pride of the servants of Thy servants is ascended. Now their consistories are become the "tribunals of Christ." That were strange indeed! Christ hath but one tribunal, His "kingdom is not of this world." Their determinations pass for the "sentences of Christ." Alas! there is too much faction, and passion, and ignorance in their presbyteries. Their synodal Acts go for the "laws of Christ." His laws are immutable; mortal man may not presume to alter them, or to add to them; but these men are chopping and changing their constitutions every day. Their elders must be looked upon as the "commissioners of Christ." It is impossible! Geneva was the first city where this Discipline was hatched, though since it hath lighted into hucksters' hands. In those days they magnified the platform of Geneva for "the pattern shewed in the Mount." But there, the presbyters at their admission take an oath, to observe the ecclesiastical ordinances of the Small, Great, and General Councils of that city[1]. Can any man be so stupid as to think, that the high com-

[And by Divine right.]

[John xviii. 36.]

[Exod. xxv. 40, &c.]

[1] [Ordonn. Eccl., pp. 9, 21.]

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missioners of Christ swear fealty to the burghers of Geneva? Now forsooth their Discipline is become "the sceptre of Christ, the eternal Gospel" (see how success exalts men's desires and demands). In good time: where did this "sceptre" lie hid for fifteen hundred years, that we cannot find the least footsteps of it in the meanest village of Christendom? This world draws towards an end; was this Discipline fitted and contrived for the world to come? Or how should it be "the eternal Gospel?" when every man sees how different it is from itself in all Presbyterian Churches, adapted and accommodated to the civil policy of each particular place where it is admitted: except only Scotland, where it comes in like a conqueror, and makes the civil power stoop and strike topsail to it. Certainly, if it be the Gospel, it is the fifth Gospel; for it hath no kindred with the other four. There is not a text which they wrest against Episcopacy, but the Independents may with as much colour of reason and truth urge it against their presbyteries. Where doth the Gospel distinguish between temporary and perpetual rulers? between the government of a person, and of a corporation? There is not a text which they produce for their presbytery, but may with much more reason be alleged for Episcopacy, and more agreeably to "the analogy of Faith," to the perpetual practice and belief of the Catholic Church, to the concurrent expositions of all interpreters, and to the other texts of Holy Scripture; for until this new model was yesterday devised, none of those texts were ever so understood. When the practice ushers in the doctrine, it is very suspicious, or rather evident, that the Scripture was not the rule of their reformation, but their subsequent excuse. This "*Jure Divino*" is that which makes their sore incurable, themselves incorrigible,—that they father their own brat upon God Almighty, and make this mushroom, which sprung up but the other night, to be of heavenly descent. It is just like the doctrine of the Pope's infallibility, which shuts the door against all hope of remedy. How should they be brought to reform their errors, who believe they cannot err? or they be brought to renounce their drowsy dreams, who take it for granted, that they are Divine revelations? And yet when that wise prince, King James, a little before the National Assembly at Perth, published in print fifty-five

[Yet never heard of until 1500 years after Christ.]

Anno 1596.

507 Articles or Questions, concerning the uncertainty of this Discipline, and the vanity of their pretended plea of "Divine right," and concerning the errors and abuses crept into it, for the better preparation of all men to the ensuing synod, that ministers might study the point beforehand, and speak to the purpose; they who stood affected to that way, were extremely perplexed[n]. To give a particular account, they knew well it was impossible; but their chiefest trouble was, that their foundation of "Divine right," which they had given out all this while to be a solid rock, should now come to be questioned for a shaking quagmire; and so without any opposition they yielded the bucklers. Thus it continued until these unhappy troubles, when they "started aside" again "like broken bows." This plant thrives better in the midst of tumults, than in the times of peace and tranquillity. The elm which supports it is a factious multitude; but a prudent and courageous magistrate nips it in the bud. [Ps. lxxviii. 58. Prayer bk. vers.]

CHAP. IX.

THAT THIS DISCIPLINE MAKES A MONSTER OF THE COMMONWEALTH.

II. We have seen how pernicious this Discipline (as it is maintained in Scotland, and endeavoured to be introduced into England by the Covenant) is to the supreme magistrate; how it robs him of his supremacy in ecclesiastical affairs, and of the last appeals of his own subjects; that it exempts the presbyters from the power of the magistrate, and subjects the magistrate to the presbyters; that it restrains his dispensative power of pardoning, deprives him of the dependence of his subjects; that it doth challenge and usurp a power paramount, both of the Word and of the sword, both of peace and war, over all courts and estates, over all laws civil and ecclesiastical, in order to the advancement of the Kingdom of Christ, whereof the presbyters alone are constituted rulers by God; and all this by a pretended Divine right, which takes away all hope of remedy, until it be hissed out of the

[n] Anno 1596. [Spottisw., bk. vi. pp. 434—437.]

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world: in a word, that it is the top-branch of Popery, and a greater tyranny than ever Rome was guilty of. It remains to shew how disadvantageous it is also to the subject.

[i. This new Discipline injurious to the commonwealth;—by establishing an imperium in imperio.]

i. First, to the commonwealth in general; which it makes a monster, like an amphisbæna, or a serpent with two heads, one at either end. It makes a co-ordination of sovereignty in the same society, two supremes in the same kingdom or state, the one civil, the other ecclesiastical; than which nothing can be more pernicious, either to the consciences or the estates of subjects, when it falls out (as it often doth) that from these two heads issue contrary commands.

1 Cor. xiv. 1.

"If the trumpet give an uncertain sound, who shall prepare himself to the battle?" Much more when there are two trumpets, and the one sounds an alarm, the other a retreat. What should the poor soldier do in such a case? or the poor subject in the other case? If he obey the civil magistrate, he is sure to be excommunicated by the Church; if he obey the Church, he is sure to be imprisoned by the civil magistrate. What shall become of him? I know no remedy, but according to Solomon's sentence; the living subject must be divided into two, and the one half given to the one, and the other half to the other. For the Oracle of Truth hath said, that "one man cannot serve two masters." But in Scotland, every man must serve two masters, and (which is worse) many times disagreeing masters. At the same time, the civil magistrate hath commanded the Feast of the Nativity of our Saviour to be observed, and the Church hath forbidden it. At the same time, the king hath summoned the Bishops to sit and vote in Parliament, and the Church hath forbidden them.

1 Kings iii. 25.

[Matt. vi. 24.—Luke xvi. 13.]

[M. Lamotte.] A.D. 1582.

In the year 1582, Monsieur Lamotte, a Knight of the Order of the Holy Ghost, with an associate, were sent ambassadors from France into Scotland. The ministers of Edinburgh, approving not his message (though merely civil), inveigh in their pulpits bitterly against him, calling his "white cross the badge of Antichrist, and himself the ambassador of a murderer." The king was ashamed, but did not know how to help it; the ambassadors were discontented, and desired to be gone; the king, willing to preserve the ancient amity between the two crowns, and to dismiss the

[viz. of the Duke of Guise.]

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ambassadors with content, requires the magistrates of Edinburgh to feast them at their departure; so they did: but to hinder this feast, upon the Sunday preceding, the ministers proclaim a fast to be kept the same day the feast was appointed; and to detain the people all day at church, the three preachers make three sermons, one after another, without intermission, thundering out curses against the magistrates and noblemen which waited upon the ambassadors by the king's appointment; neither stayed they here, but pursued the magistrates with the censures of the Church, for not observing the fast by them proclaimed, and with much difficulty were wrought to abstain from excommunicating of them[o]; which censure, how heavy it falls in Scotland, you shall see by and by.

DISCOURSE I. Febr. 16. At St. Giles' church.

To come yet nearer, the late Parliament in Scotland enjoined men to take up arms for delivery of their king out of prison; the commissioners for the Assembly disallowed it[p]; and at this present, how many are chased out of their country! how many are put to public repentance in sackcloth! how many are excommunicated! for being obedient to the supreme judicatory of the kingdom, that is, king and Parliament! Miserable is the condition of that people, where there is such clashing and interfering of supreme judicatories and authorities. If they shall pretend that this was no free Parliament; first, they affirm that which is not true; either that Parliament was free, or what will become of the rest? secondly, this plea will advantage them nothing; for (which is all one with the former) thus they make themselves judges of the validity or invalidity of Parliaments.

[Charles I. A.D.1648.]

CHAP. X.

THAT THIS DISCIPLINE IS MOST PREJUDICIAL TO THE PARLIAMENT.

II. ii. From the essential body of the kingdom we are to proceed to the representative body, which is the Parliament. We have already seen, how it attributes a power to national synods to restrain Parliaments, and to abrogate their Acts,

[ii. The new Discipline injurious to the Parliament;—by placing presbyteries above it.]

[o] [Spottisw., bk. vi. p. 324.]

[p] [See Baillie's Letters and Journals, vol. iii. pp. 57—59, Letter to Mr. W. Spang of Aug. 23, 1648.]

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if they shall judge them prejudicial to the Church. We need no other instance, to shew what small account presbyteries [A.D. 1648] do make of Parliaments, than the late Parliament in Scotland. Notwithstanding that the Parliament had declared their resolution to "levy" forces "vigorously," and that they "did expect as well from" the synods and presbyteries, as "from all other his Majesty's good subjects, a ready obedience to the commands of Parliament, and Committee of Estates[q];" the commissioners of the Assembly, not satisfied herewith, do March 22. not only make their proposals,—"that the grounds of the war," and "the breaches of the peace," might "be cleared;" that "the union of the kingdoms" might be preserved; that "the Popish and Prelatical party" might be "suppressed;" that "his Majesty's offers concerning religion might be declared unsatisfactory;" that before his Majesty's restitution to the exercise of his royal power, he should first engage himself by "solemn oath under his hand and seal," to pass Acts for the settlement of "the Covenant and Presbyterian government in all his dominions," &c.; and "never to oppose them, or endeavour the change" of them (an usurer will trust a bankrupt upon easier terms than they will do their sovereign); and, lastly, "that such persons only might be intrusted," as had given them no "cause of jealousy[r]" (which had been too much, and more than any estates in Europe will take in good part from half a dozen ministers);—but after- [July 31.] wards, by their public "Declaration to the whole Kirk and kingdom," set forth, that 'not being satisfied in these particulars,' they do 'plainly dissent' and disagree, and declare that they are 'clearly persuaded in their consciences, that the Engagement is of dangerous consequence to true religion, prejudicial to the liberty of the Kirk, favourable to the malignant party, inconsistent with the union of the kingdom, contrary to the Word of God and the Covenant; wherefore

[q] ["Declar. of Parl. of Scotl. to the Synods and Presbyteries in that Kingdom concerning their present Proceedings in leavying an Army for the good of Religion, His Majesties Rescue, and the true Peace of both Kingdoms," Edinb. 1648; p. 4. as reprinted at London the same year.]

[r] ["Humble Desires of the Commissioners of the Gen. Assemb. March 22, presented by them to the Parliament of Scotland, with their answer March 27, 1648, together with a humble Representation of the sense of the" said "Commissioners upon their Lordships' Answer, March 29, as also the last Answer of the Assembly to the Parliament March 31, 1648,"—pp. 4, 5. Lond. 1648.]

they cannot allow either ministers or any other whatsoever to concur and cooperate in it, and trust that they will keep themselves free in this business, and choose affliction rather than iniquity[s].' And to say the truth, they made their word good. For by their power over the Churchmen, and by their influence upon the people, and by threatening all those who engaged in that action with the censures of the Church, they retarded the levies, they deterred all preachers from accom-
509 panying the army to do Divine offices; and when St. Peter's keys would not serve the turn, they made use of St. Paul's sword, and gathered the country together in arms at Machline Moor to oppose the expedition[t].

So, if the High Court of Parliament will set up presbytery, they must resolve to introduce a higher court than themselves; which will overtop them for eminency of authority, for extent of power, and greatness of privileges: that is, a national synod.

First, for authority:—the one being acknowledged to be but a human convention, the other affirmed confidently to be a Divine institution; the one sitting by virtue of the king's writ, the other by virtue of God's writ; the one as councillors of the prince, the other as ambassadors and vicars of the Son of God; the one as burgesses of corporations, the other as commissioners of Jesus Christ; the one judging by the law of the land, the other by the Holy Scriptures; the one taking care for this temporal life, the other for eternal life. [1. In authority.]

Secondly, for power; as Curtius saith, "*Ubi multitudo vanâ religione capta est, melius vatibus suis quam ducibus paret*"— "Where the multitude is led with superstition, they do more readily obey their prophets than their magistrates[u]." Have they not reason? "Pardon us, O magistrate; thou threatenest us with prison, they threaten us with hell fire[v]." Thy sentence deprives us of civil protection, and the benefit of the [2. In power.]

[s] Declar. [of Gen. Assemb. July 31, 1648, "concerning the present dangers in Religion and especially the unlawful Engagement in war against the kingdom of England, together with many necessary exhortations and directions to all the members of the Kirk of Scotland;" —of which the text appears to be a summary. Bramhall seems to have confused it with a very similar Declaration of the *Commissioners* of the Gen. Assemb. March 1, 1648, "to the whole Kirk and kingdom of Scotland concerning present dangers," &c.]

[t] [See Baillie's Letters and Journals, vol. iii. pp. 48, 49, and 53; Letters to Mr. W. Spang of June 26, and Aug. 23, 1648.]

[u] [De Reb. Gest. Alex. M., iv. 39.]

[v] [From S. August., De Verb. Domini, Serm. lxii; tom. v. p. 362. F.]

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law; so doth theirs indirectly, and withal makes us strangers to the commonwealth of Israel. Thou canst outlaw us, or horn us, and confiscate our estates; their keys do the same also by consequence, and moreover deprive us of the prayers of the Church, and the comfortable use of the blessed Sacraments. Thou canst deliver us to a poursuivant, or commit us to the Black Rod; they can deliver us over to Satan, and commit us to the prince of darkness.

[3. In privileges.]

Thirdly, for privileges. The privileges of Parliament extend not to treason, felony, or breach of the peace; but they may talk treason and act treason in their pulpits and synods without controlment. They may securely commit not only petty larceny but burglary, and force the doors of the Palace Royal. They may not only break the peace, but convocate the subjects in arms; yea, give warrant to a particular person to convene them by his letters missives, according to his discretion, "in order to religion." Of all which we have seen instances in this Discourse[x]. The privileges of Parliaments are the graces and concessions of man, and may be taken away by human authority; but the privileges of synods, say they, are from God, and cannot without sacrilege be taken away by mortal man. The two Houses of Parliament cannot name commissioners to sit in the intervals, and take care, "*ne quid detrimenti capiat respublica*"—"that the commonwealth receive no prejudice;" but synods have power to name vicars-general, or commissioners, to sit in the intervals of synods, and take order that neither king nor Parliament nor people do encroach upon the liberties of the Church. If there be any thing to do, they are (like the fox in Æsop's Fables) sure to be in at one end of it.

CHAP. XI.

THAT THIS DISCIPLINE IS OPPRESSIVE TO PARTICULAR PERSONS.

[1. Inflicting censures for slight faults.]

II. iii. TOWARDS particular persons this Discipline is too full of rigour, like Draco's laws that were written in blood.

[x] [Above pp. 256—259, 268.]

First, in lesser faults, inflicting Church censures upon slight grounds:—as, for an uncomely gesture, for a vain word, for suspicion of covetousness or pride, for superfluity in raiment, either for cost or fashion, for keeping a table above a man's calling or means, for dancing at a wedding, or of servants in the streets, for wearing a man's hair *a-la-mode*, for not paying of debts, for using the least recreation upon the Sabbath, though void of scandal, and consistent with the duties of the day[y]. I wish they were acquainted with the practice of all other Protestant countries. But if they did but see one of those kermisses[z] which are observed in some places, the pulpit, the consistory, the whole kingdom would not be able to hold
510 them. What digladiations have there been among some of their sect about starch and cuffs, &c.; just like those grave debates which were sometimes among the Franciscans, about the colour and fashion of their gowns[a]. They do not allow men a latitude of discretion in any thing. All men, even their superiors, must be their slaves or pupils. It is true, they begin their censures with admonition; and if a man will confess himself a delinquent, be sorry for giving the presbyters any offence, and conform himself in his hair, apparel, diet, every thing, to what these rough-hewn Catos shall prescribe, he may escape "the stool of repentance;" otherwise they will proceed against him for contumacy to excommunication.

[2. And excessive punishments for greater faults.]

Secondly, this Discipline is oppressive in greater faults. The same man is punished twice for the same crime: first, by the magistrate, according to the laws of God and the land, for the offence; then, by the censures of the Church, for the scandal. To this agrees their synod, "Nothing forbids the same fault in the same man to be punished one way by the political power, another way by the ecclesiastical; by that, under the formality of a crime, with corporal or pecuniary punishment; by this, under the formality of scandal, with spiritual censures[b]." And their Book of Discipline,—

[y] Scot. Lit., pp. 57, 58 [Order of Excommunication, art. 6, 7:—quoted in Bancroft, Survey, c. 25. pp. 283, 284.]—First Bk. of Disc., 7th head. [p. 54; and Second Bk., c. 7. pp. 87, 88.]

[z] [KERMIS=Fair; *Dutch.* And see Heylin, Hist. Presb., bk. xii. § 10, 11.]

[a] [See Replic. to Bp. of Chalced., c. ii. sect. 1, above vol. ii. pp. 75, 76. and below Serpent-Salve, in fin.]

[b] [Theor. 111,] theor. 63.

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"If the civil sword foolishly spare the life of the offender, yet may not the Kirk be negligent in their office[c]." Thus their Liturgy in express terms,—"All crimes which by the law of God deserve death, deserve also excommunication[d]." Yea, though an offender abide an assize and be absolved by the same, yet may the Church enjoin him "public satisfaction[e];" or if the magistrate shall not think fit in his judgment, or cannot in conscience prosecute the party upon the Church's intimation, "the Church may admonish the magistrate publicly;" and if no remedy be found, excommunicate the offender, "first for his crime, and then for being suspected to have corrupted the judge[f]." Observe, first, that by hook or crook they will bring all crimes whatsoever, great and small, within their jurisdiction. Secondly, observe, that a delinquent's trial for his life is no sufficient satisfaction to these "third Cato's[g]." Lastly, observe, that to satisfy their own humour, they care not how they blemish publicly the reputation of the magistrate upon frivolous conjectures.

[3. Extreme rigour of its excommunication.]

Thirdly, add to this which hath been said, the severity and extreme rigour of their excommunication; "after which sentence, no person (his wife and family only excepted) may have any kind of conversation with him" that is excommunicate; they may not "eat" with him, nor "drink" with him, nor "buy" with him, nor "sell" with him; they may not "salute" him, nor speak to him ("except it be by the licence of the Presbytery"); "his children, begotten and born after that sentence, and before his" reconciliation to the Church, "may not be admitted to Baptism, until they be of age to require it; or the mother, or some special friend, being a member of the Church, present the child, abhorring and damning the iniquity and obstinate contempt" of the father[h]. Add, further, that upon this sentence letters of horning (as they use to call them in Scotland) do follow of course; that is, an outlawing of the party, a confiscation of his goods, a putting him out of the king's protection, so as any man may kill him and be unpunished; yea, the party excommunicate is not so much as

[c] First Book of Disc., 9th head. [p. 69.]

[d] Scot. Lit., p. 44. [art. 2.—Bancroft, Survey, c. 25. p. 282.]

[e] [Ibid., p.] 48. [ibid.]

[f] [Ibid., p.] 47.

[g] ["Tertius e cœlo cecidit Cato." Juv. ii. 40.]

[h] First Bk. of Disc., 7th head. [pp. 56, 57.]

"cited to hear" those fatal letters "granted[i]." Had not David reason to pray, "Let me fall into the hands of the Lord, not into the hands of men, for their mercies are cruel?" Cruel indeed! that when a man is prosecuted for his life, perhaps justly, perhaps unjustly, so as appearing and hanging are to him in effect the same thing, yet, if he appear not, this pitiful Church will excommunicate him for contumacy;—"whether the offender be convict in judgment, or be fugitive from the law, the Church ought to proceed to the sentence of excommunication[j];"—as if the just and evident fear of death did not purge away contumacy. [2 Sam. xxiv. 14.—Prov. xii. 10.]

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CHAP. XII.

THAT THIS DISCIPLINE IS HURTFUL TO ALL ORDERS OF MEN.

II. iv. LASTLY, this Discipline is burdensome and disadvantageous to all orders of men.

The nobility and gentry must expect to follow the fortune of their prince. Upon the abatement of monarchy in Rome, remember what dismal controversies did presently spring up between the *Patricii* and *Plebeii*. They shall be subjected to the censures of a raw heady novice, and a few ignorant artificers: they shall lose all their advowsons of such benefices as have cure of souls (as they have lately found in Scotland); for every congregation ought to choose their own pastor[k]: they shall hazard their appropriations and abbey-lands, a sacrilege which their national synod cannot in conscience tolerate, longer than they have strength sufficient to overthrow it; and if they proceed as they begin, the presbyters will in a short time either accomplish their design, or change their soil: they shall be bearded and mated by every ordinary presbyter; witness that insolent speech of Mr. Robert Bruce to King James;—"Sir, I see that your resolution is, to take Huntley in favour; if you do, I will oppose; you shall choose whether you will lose Huntley or me, for us both you [1. To the nobility and gentry.]

[i] 55 Artic. 1596. [Art. 45.—Spottisw., bk. vi. p. 436.]

[j] Scot. Lit., [p.] 19. [art. 2.]

[k] Second Bk. of Disc., c. 12. [p. 97.]

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cannot keep[1]." It is nothing with them for a pedant to put himself into the balance with one of the prime and most powerful peers of the realm.

[2. To the clergy.] [Exod. v. 6—8.]

The poor orthodox clergy in the mean time shall be undone: their straw shall be taken from them, and the number of their bricks be doubled; they shall lose the comfortable assurance of an undoubted succession by Episcopal ordination, [and put it to a dangerous question, whether they be within the pale of the Church[m]]; they shall be reduced to ignorance, contempt, and beggary; they shall lose an ancient Liturgy (warranted in the most parts of it by all, in all parts of it by the most public forms of the Protestant Churches, whereof a short time may produce a parallel to the view of the world[n]), and be enjoined to prate and pray nonsense everlastingly. For howsoever formerly they have had a liturgy of their own, as all other Christian Churches have at this day; yet now it seems they allow no prayers but extemporary. So saith the Information from Scotland,—"It is not lawful for a man to tie himself, or be tied by others, to a prescript form of words in prayer and exhortation[o]."

[3. To parents.]

Parents shall lose the free disposition of their own children in marriage:—if the child desire a husband or a wife, and the parent "gainstand their request, and have no other cause than the common sort of men have, to wit, lack of goods, or because the other party is not of birth high enough;" upon the child's desire, the minister is "to travail with the parents," and if he "find no just cause" to the contrary, "may admit them to marriage; for the work of God ought not to be hindered by the corrupt affections of worldly men[p]." They who have stripped the father of their country of his just right, may make bold with fathers of families, and will not stick to exclude all other fathers but themselves out of the fifth Commandment. The doctrine is very high, but their

[1] [Spottisw., bk. vi. p. 417.]

[m] [In some copies of the Fair Warning as originally printed, these words are wanting: probably by accident, although Baylie in his Answer assumes them to have been intentionally "deleted."]

[n] [See above, in vol. i. pp. xxxvi., xxxvii.]

[o] Motus Britannici, [p.] 171. ["Ration. Rejic. Lib. Liturg. in Scotiam introsum, compendiose typis editæ anno 1638" (scil. at the end of the Confession of Faith as renewed in that year), § iv.; at p. 171 of an anonymous publication, entitled "Motuum Britannicorum Verax Cushi ex ipsius Joabi et oculati Testis Prototypis totus translatus," 8vo. Rotterod. 1647. See also p. 251, note h above.]

[p] First Bk. of Disc., 9th head. [pp. 67, 68.]

practice is yet much more high. The presbyteries will compel the wronged parent to give that child as great a portion as any of his other children.

[4. To lawyers.]

It will be ill news to the lawyers to have the moulter[q] taken away from their mills upon pretence of "scandal," or "in order to religion;" to have their sentences repealed by a synod of presbyters, and to receive more prohibitions from ecclesiastical courts than ever they sent thither.

[5. To masters of families.]

All masters and mistresses of families, of what age or condition soever, must come once a year before the presbytery, with their households, to be examined personally whether they be fit to receive the Sacrament, in respect of their knowledge, and otherwise: and if they "suffer their children or servants to continue in wilful ignorance" (what if they cannot help it?), they must be excommunicated[r]. It is probable, the persons catechised could often better instruct their catechists.

[6. To the commonalty.]

The common people shall have a High Commission in
512 every parish, and groan under the arbitrary decrees of ignorant unexperienced governors, who know no law but their own wills, who observe no order but what they list; from whom lies no appeal but to a synod, which for the shortness of its continuance can afford, which for the condition of the persons will afford them little relief. If there arise a private jar between the parent and the child, or the husband and the wife, these domestical judges must know it, and censure it.

"Scire volunt secreta domus, atque inde timeri[s]."

And if there have been any suit or difference between the pastor and any of his flock, or between neighbour and neighbour, be sure it will not be forgotten in the sentence. The practice of our law hath been, that a judge was rarely permitted to ride a circuit in his own county, lest private interest or respects might make him partial. Yet a county is much larger than a parish, and a grave learned judge is presumed to have more temper than such home-bred fellows. Thus we see what a Pandora's box this pretended Holy Discipline is; full of manifold mischiefs, and to all orders of men most pernicious.

[q] [i. e. Multure. See Jamieson's Scottish Diction.]

[r] First Bk. of Disc., 9th head. [p. 64.]

[s] [Juv. iii. 113.]

CHAP. XIII.

THAT THE COVENANT TO INTRODUCE THIS DISCIPLINE IS VOID AND WICKED; WITH A SHORT CONCLUSION.

[The solemn League and Covenant a void and wicked oath.]

But yet the conscience of an oath sticks deep. Some will plead, that they have made a covenant with God for the introduction of this Discipline. Oaths and vows ought to be made with great judgment, and broken with greater. My next task therefore must be to demonstrate clearly, that this Covenant is not binding, but merely void; and not only void but wicked; so as it is necessary to break it, and impious to observe it.

[As imposed upon the subscribers from without.]

The first thing that cracks the credit of this new Covenant is, that it was devised by strangers, to the dishonour of our nation; imposed by subjects, who wanted requisite power, upon their sovereign and fellow-subjects; extorted by just fear of unjust sufferings. So as a man may truly say of many who took this Covenant, that they sinned in pronouncing the words with their lips, but never consented with their hearts to make any vow to God.

[And undertaken through ignorance and error.]

Again, error and deceit make those things involuntary, to which they are incident; especially when the error is not merely negative, by way of concealment of truth, when a man knows not what he doth, but positive, when he believes he doth one thing and doth the clean contrary; and that not about some inconsiderable accidents, but about the substantial conditions. As if a physician, either out of ignorance or malice, should give his patient a deadly poison under the name of a cordial, and bind him by a solemn oath to take it, the oath is void, necessary to be broken, unlawful to be kept; if the patient had known the truth,—that it was no cordial, that it was poison,—he would not have sworn to take it. Such an error there is in the Covenant with a witness,—to gull men with a strange, unknown, lately devised platform of Discipline, most pernicious to the king and kingdom, as if it were the very institution of Christ, of high advantage to the king and kingdom; to gull them with that Covenant which

King James did sometimes take[t], as if that and this were all one; whereas that Covenant issued out by the king's authority, this Covenant without his authority, against his authority; that Covenant was for the laws of the realm, this is against the laws of the realm; that was to maintain the religion established, this is to overthrow the religion established. But because I will not ground my discourse upon any thing that is disputable, either in matter of right or fact, and in truth, because I have no need of them, I forgive them these advantages; only with this gentle memento, that when other foreign Churches, and the Church of Scotland itself (as appears by their public Liturgy used in those days), did sue for aid and assistance from the Crown and
513 kingdom of England, they did not go about to obtrude their own Discipline upon them, but left them free to choose for themselves[u].

[1. It disposes of the rights of a third party, viz. of the king, without his consent.]

The grounds which follow are demonstrative. First, no man can dispose that by vow, or otherwise, either to God or man, which is the right of a third person, without his consent; neither can the inferior oblige himself to the prejudice of his superior, contrary to his duty, without his superior's allowance. God accepts no such pretences, to seem obsequious to Him out of the undoubted right of another person. Now the power of arms, and the defence of the laws and protection of the subjects by those arms, is by the law of England clearly invested in the crown. And where the king is bound in conscience to protect, the subject is bound in

[t] [Scil. "The National Covenant, or The Confession of Faith; subscribed at first by the King's Majesty and his household in the year 1580" (see Spottisw., bk. vi. p. 309); "thereafter by persons of all ranks in the year 1581;" again "in the year 1590;" again "in the years 1638" and "1639;" and, finally, "subscribed by King Charles II. June 23, 1650 and Jan. 1, 1651." This is distinct from "The Solemn League and Covenant, for Reformation and Defence of Religion," &c., which was "agreed upon by Commissioners from the Parliament and Assembly of Divines in England, with Commissioners of the Convention of Estates and General Assembly in Scotland, and approved and subscribed" by the said Houses of Parl., Assemb. of Div., and Gen. Assemb., "anno 1643," again "renewed in Scotland anno 1648, and by Parliament 1649;" and like the other forced upon Charles II. in 1650 and 1651. The former (or "Negative Covenant") is a protestation against "Papistry;" the latter, a covenant to endeavour the establishment of Presbyterianism, and the "extirpation of Popery and Prelacy," in England and Ireland as well as Scotland. Both documents are to this day published among the authorized formularies of the Scottish Kirk.]

[u] [See the notice prefixed to Bramhall's Sermon before the Marquis of Newcastle, Disc. ii. Pt. iv., in vol. v.]

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conscience to assist. Therefore every English subject owes his arms and his obedience to his king, and cannot dispose them as a free gift of his own, nor by any act of his whatsoever diminish his sovereign's right over him; but in those things wherein by law he owes subjection to his prince, he remaineth still obliged, notwithstanding any vow or covenant to the contrary; especially when the subject and scope of the covenant is against the known laws of the realm. So as, without all manner of doubt, no divine or learned casuist in the world dissenting, this Covenant is either void in itself, or at least voided by his Majesty's Proclamation[x], prohibiting the taking of it, and nullifying its obligation.

[2. It is an oath to commit sin.] [Acts viii. 23.]

Secondly, it is confessed by all men, that an oath ought not to be "the bond of iniquity," nor doth oblige a man to be a transgressor. The golden rule is, "*In malis promissis rescinde fidem, in turpi voto muta decretum.*" To observe a wicked engagement doubles the sin. Nothing can be the matter of a vow or covenant, which is evidently unlawful. But it is evidently unlawful for a subject or subjects to attempt to alter the laws established by force, without the concurrence and against the commands of the supreme legislator, for the introduction of a foreign Discipline. This is the very matter and subject of the Covenant. Subjects vow to God, and swear one to another, to change the laws of the realm, to abolish the discipline of the Church, and the liturgy lawfully established, by the sword (which was never committed to their hands by God or man), without the king, against the king; which no man can deny in earnest to be plain rebellion. And it is yet the worse, that it is to the main prejudice of a third Order of the kingdom; the taking away whose rights without their consents, without making them satisfaction, cannot be justified in point of conscience (yea, though it were for the greater convenience of the kingdom, as is most falsely pretended), and is harder measure than the abbots and friars received from Henry the Eighth, or than either Christians or Turks do offer to their conquered enemies.

[3. It is invalidated by a prior and inconsistent oath; viz.

Lastly, a supervenient oath or covenant either with God or man cannot take away the obligation of a just oath precedent. But such is the Covenant; a subsequent oath,

[x] [Oct. 9, 1643. See it in Heylin, Hist. Presb., bk. xiii. § 32. p. 460.]

inconsistent with and destructive to a precedent oath, that is, the Oath of Supremacy, which all the Churchmen throughout the kingdom, all the Parliament men at their admission to the House, all persons of quality throughout England, have taken. The former oath acknowledgeth the king to be the "only supreme Head" (that is, civil Head, to see that every man do his duty in his calling) "and Governor of the Church of England;" the second oath or Covenant, to set up the Presbyterian government as it is in Scotland, denieth all this virtually, makes it "a political Papacy," acknowledgeth no governors but only the presbyters. The former oath gives the king the supreme power over all persons in all causes: the second oath gives him a power over all persons, as they are subjects, but none at all in ecclesiastical causes; this they make to be sacrilege. DISCOURSE I. [that of supremacy.]

By all which it is most apparent, that this Covenant was neither free, nor deliberate, nor valid, nor lawful, nor consistent with our former oaths, but enforced, deceitful, invalid, impious, rebellious, and contradictory to our former engagements; and consequently obligeth no man to performance, but all men to repentance. For the greater certainty whereof, I appeal, upon this stating of the case, to all the learned casuists and divines in Europe, touching the point of common right; and that this is the true state of the case, I appeal to our adversaries themselves. No man, that hath any spark of ingenuity, will deny it. No Englishman who hath any tolerable degree of judgment, or knowledge in the laws of his
514 country, can deny it, but at the same instant his conscience must give him the lie.

They who plead for this rebellion, dare not put it to a trial at law; they do not ground their defence upon the laws, but either upon their own groundless jealousies and fears, of the king's intention to introduce Popery, to subvert the laws, and to enslave the people;—this is "to run into a certain crime, for fear of an uncertain danger;" they who intend to pick quarrels, know how to feign suspicions;—or they ground it upon the success of their arms; or upon the sovereign right of the people over all laws and magistrates; whose representatives they create themselves, whilst the poor people sigh in corners, and dare not say their soul is their own, [Vain plea advanced for the Rebellion.] [1. Vague jealousies and fears of the king.] [2. The rights of the people.]

PART II. [3. Religion.]

lamenting their former folly, to have contributed so much to their own undoing; or, lastly, upon religion, the cause of God, the worst plea of all the rest, to make God accessary to their treasons, murders, covetousness, ambition. Christ did never authorize subjects to plant Christian religion, much less their own fanatical dreams or fantastical devices, in the blood of their sovereign and fellow subjects. Speak out; is it lawful for subjects to take up arms against their prince merely for religion? or is it not lawful? If ye say it is not lawful, ye condemn yourselves; for your Covenant testifieth to the world, that ye have taken up arms merely to alter religion; and that ye bear no allegiance to your king, but only "in order to religion;" that is, in plain terms, to your own humours and conceits. If ye say it is lawful, ye justify the Independents in England for supplanting yourselves; ye justify the Anabaptists in Germany, John of Leyden, and his crew; ye break down the banks of order, and make way for an inundation of blood and confusion in all countries; ye render yourselves justly odious to all Christian magistrates, when they see that they owe their safety not to your good wills but to your weakness,—that ye want sufficient strength to cut their throats. This is fine doctrine for Europe, wherein there is scarce that king or state, which hath not subjects of different opinions and communions in religion. Or, lastly, if ye say it is lawful for you to plant that which ye apprehend to be true religion by force of arms, but it is not lawful for others to plant that which they apprehend to be true religion by force, because yours is the Gospel, theirs is not; ye beg the question, and make yourselves ridiculously partial by your overweening opinion; worse than that of the men of China, as if ye only had two eyes, and all the rest of the world were stark blind. "There is more hope of a fool than of him that is wise in his own eyes." [Prov. xxvi. 12.]

I would to God we might be so happy as to see a General Council of Christians; at least, a general synod of all Protestants; and that the first act might be to denounce an *Anathema Maranatha* against all broachers and maintainers of seditious principles, to take away the scandal which lies upon Christian religion, and to shew, that in the search of piety we have not lost the principles of humanity. In the

mean time, let all Christian magistrates, who are principally concerned, beware how they suffer this cockatrice-egg to be hatched in their dominions; much more how they "plead for Baal," or Baal-Berith, the Baalims of the Covenant. It were worth the inquiring, whether the marks of Antichrist do not agree as eminently to the Assembly General of Scotland, as either to the Pope, or to the Turk. This we see plainly, that they spring out of the ruins of the civil magistrate; they 'sit upon the Temple of God,' and they advance themselves above those whom the Holy Scripture calleth Gods.

[Judg. vi. 31.]

[2 Thess. ii. 4.—Ps. lxxxii. 6.]

DISCOURSE II.

THE SERPENT-SALVE;

OR,

A REMEDY FOR THE BITING OF AN ASP.

WHEREIN

THE OBSERVATOR'S GROUNDS ARE DISCUSSED,

AND

PLAINLY DISCOVERED

TO BE

UNSOUND, SEDITIOUS, NOT WARRANTED BY THE LAWS OF GOD,

OF NATURE, OR OF NATIONS,

AND MOST REPUGNANT

TO

THE KNOWN LAWS AND CUSTOMS OF THIS REALM.

FOR THE REDUCING OF SUCH HIS MAJESTY'S WELL-MEANING SUBJECTS
INTO THE RIGHT WAY, WHO HAVE BEEN MISLED
BY THAT IGNIS FATUUS.

BY

JOHN BRAMHALL, D.D.,

LORD BISHOP OF LONDONDERRY.

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TO THE READER.

When that sign, or rather meteor, called Castor and Pollux, appears single to the seafaring men, it portends a dangerous tempest; because of the density or toughness of the matter, which is not easily dissolved: and when it appears double, divided into two, it presageth serenity and a good voyage[a]. But it is otherwise in the body politic. When the king and Parliament are united, it promiseth happy and halcyonian days to the subject; and when they appear divided, it threatens ruin and dissipation to the whole kingdom. This is our present condition. The heads are drenched with the oil of discord, and it runs down to the skirts of the garment. Of all heretics in theology, they were the worst who made two beginnings, a God of good, and a God of evil. Of all heretics in policy, they are the most dangerous, which make the commonwealth an *amphisbæna*, a serpent with two heads; who make two supremes without subordination one to another, the king and the Parliament. That is to leave a seminary of discord, to lay a trap for the subject, to set up a rack for the conscience, when superiors send out contrary commands (as the commission of array, and the order for the militia[b]). If they were subordinate one to another, we had a safe way both to discharge our conscience towards God, and secure our estates to the world; that is, by obeying the higher power, according to that golden rule, '*In præsentiâ majoris cessat authoritas minoris.*' But whilst they make them co-ordinate one with another, the estate, the liberty, the life, the soul of every subject lies at stake. What passage can poor conscience find between this Scylla and

[Division of king and Parliament, how injurious to the kingdom.]

[Psalm cxxxiii. 2.]

[a] [Plin., Hist. Nat., ii. 37.]

[b] [The first sent out by the King in June 1642, the second by the Parliament in March 1641-2; see the Exact Collection of Remonstrances &c., pp. 88, 96, 102, 344—348, and Dugdale's Short View of the Late Troubles in England, cc. x. xi. pp. 89-97; besides Rushworth, Clarendon, &c.]

[Matt. vi. 24.] Charybdis; between the two horns of this dilemma? "No man can serve two masters."

[Danger of great and sudden changes.] All great and sudden changes are dangerous to the body natural, but much more to the body politic. Time and custom beget reverence and admiration in the minds of all men: frequent alterations produce nothing but contempt. Break ice in one place, it will crack in more. Mountebanks, projectors, and innovators, always promise golden mountains, but their performance is seldom worth a cracked groat. The credulous ass in the fable believed, that the wolf (his counterfeit physician) would cure him of all his infirmities, and lost his skin for his labour. When the devil tempted our first parents, he assured them of a more happy estate than they had in Paradise: but what saith our common proverb, 'Seldom comes the better.' It is the ordinance of God, that nothing should be perfectly blessed in this world; yet it is our weakness to impute all our sufferings to our present condition, and to believe a change would free us from all encumbrances. So thought the Romans, when they changed their Consul into Consulary Tribunes. So thought the Florentines, when they cashiered their *Decemviri*. Both found the disadvantage of their novelties; both were forced to shake hands again with their old friends. Other nations have used to picture an Englishman with a pair of shears in his hand[c], thus deriding our new-fangledness in attire; but it is far worse to be shaping new Creeds every day, and new forms of government, according to each man's private humour. When a sick man tosseth from one side of his bed to another, yet his distemper follows him. They say our countryman never knows when he is well; but if God Almighty be graciously pleased once again to send us peace, I trust we shall know better how to value it. In the mean time, let us take heed of credulity and newfangledness. Those states are most durable, which are most constant to their own rules. The glory of Venice is perpetuated, not so much by the strong situation, as by that sanction or constitution, that it is not lawful for any man to make mention of a new 518
law to the Grand Council, before it have been first discussed and allowed by a selected company of their most intelligent,

[Gen. iii. 4, 5.]

[c] [See the Homily against Excess of Apparel, p. 339. 12mo. ed. 1828.]

most experienced citizens. Among the Locrians, no man might propose a new law but with a halter about his neck, that if he did not speed in his suit, he might presently be strangled[d]. The Lacedæmonians did so far abhor from all study of change, that they banished a skilful musician, only for adding one string more to the harp[e].

I desire, that no man will interpret what I say in this discourse as intended to the prejudice of the lawful rights and just privileges of Parliament. The very name of a Parliament was music in our ears; at the summons thereof our hearts danced for joy. It is rather to be feared that we idolized Parliaments, and trusted more in them than in God for our temporal well being. God, Who "gave the Israelites a king in His anger," may at His pleasure give us a Parliament in His anger. That we reap not the expected fruit, (next to our sins) we may thank the Observator, and such incendiaries. I confess myself the most unfit of thousands to descend into this theatre, as one who have lived hitherto a mute; but to see the father of our country threatened and vilified by a common soldier, is able to make a dumb man speak, as it did sometimes the son of Crœsus[f]. '*Quando dolor est in capite*' (saith St. Bernard)—'when the head aches, the tongue cries for assistance; and the very least members, the toe, or the little finger, is affected[g].' We are commanded to be "wise as serpents." A chief wisdom of the serpent is in time of danger to wrap and fold his head in the circles of his body, to save that from blows. I pretend not to skill in politics; the Observator may have read more books and more men; but let him not despise a weak adversary who comes armed with evident truth. I know I have the better cause, the better second. The birds in Aristophanes, fancying an all-sufficiency to themselves, did attempt for a while to build a city walled up to heaven[h], not much unlike such another fiction of the apes in Hermogenes; but at length the one for fear of Jupiter's thunder, and the other for want of convenient tools, gave

[This discourse not directed against the lawful rights of Parliament.]

[Hos. xiii. 11.]

Matt. x. 16.

[d] [Zaleuc., Procem. Leg., ap. Stobæum, Serm. xlii.]

[e] [Terpander was fined for so doing —Plut., Inst. Lacon. § 17, Op. Moral. tom. i. p. 667. ed. Wyttemb.]

[f] [Herod. i. 85.]

[g] [See D. Bernard., In Circumcis. Dom. Serm. iii., Op. tom. i. p. 91. L. ed. Paris, 1586.]

[h] [Aves.]

over the enterprize. Believe it; the frame of an ancient, glorious, well-tempered, and settled monarchy, though it may be shaken for a time, will not, cannot be blown upside down, with a few windy exhalations, or a handful of sophistical squibs. The world begins to see something through the holes of these men's cloaks, and to espy day through the midst of the millstone. And now that men may borrow a word edgeway with them, it will be pealed into their ears daily.

[The Observator's insolence proves his Majesty's goodness.]

I shall deal more ingenuously with the Observer, than he hath done with his sovereign,—to catch here and there at a piece of a sentence, and pass by that as mute as a fish, to which he had nothing to say. If his Majesty's clear demonstrations[k] (which to a strong judgment seem to be "written with a beam of the sun[l]," and like the principles of geometry do rather compel than persuade) did leave any place for further confirmation, the Observer's silence were sufficient to proclaim them unanswerable. There needs no other proof of his Majesty's lenity and goodness than this, that a subject dare publish such observations in a monarchy, and maintain argument with his liege-lord. "*Multa donanda ingeniis, sed donanda vitia, non portenta sunt*[m]." He deserveth small pity, who prizeth his word more than his head. King Lewis said of some seditious preachers in France, "If they tax me in their pulpits, I will send them to preach in another climate." Pollio said of Augustus, "*Non est facile in eum scribere, qui potest proscribere*[n]." The king of the bees, though he want a sting, yet is he sufficiently armed with majesty: so should King Charles be to the Observer and his pew-fellows, if they were profitable bees; as they are a nest of wasps and hornets.

[Judg. xv. 4.]

[Presbyterian doc-

I find two branches of this family (I cannot call them the Family of Love), as averse one to another as Sampson's foxes. It is hard to say whether is the ancient house; for they both

[k] [Scil. in his Answers and Declarations &c., to the various Remonstrances and other papers set forth by the Parliament. Those of earlier date were known to be Hyde's composition. They were published together in 1643, under the title of "An Exact Collection of all Remonstrances, Declarations, Votes, Orders, Ordinances, Petitions, Messages, Answers, and other Remarkable Passages, betweene the King's Most Excellent Majesty and his High Court of Parliament," from "Dec. 1641, until March 21, 1643," by John Husbands. Lond. 4to.; and a continuation in folio; and may be found for the most part in Clarendon, Rushworth, &c.]

[l] [Tertull., De Resurr. Carn., c. 47. Op. p. 416. A.]

[m] [M.A. Senec., Controv., Præfat. in lib. v. in med.]

[n] [Macrob., Saturn., lib. ii. c. 4.]

sprung up, the one in Spain, the other at Geneva, about the same time, the year 1536. The captains of the one are Bellarmine[o], Simancha[p], Mariana[q], &c.; the chieftains of the other are Beza (if it be his book *De Jure Magistratus*[r], as is believed), Buchanan[s], Stephanus Junius[t], &c.: the former in favour of the Pope; the latter in hatred of the Pope: yet both former and latter may "rise up in judgment" with our incendiaries "and condemn them;" for if they had had as gracious a prince as King Charles, they had never broached such tenets to the world. I have busied myself to find out the progenitors of these two different parties: and for the former, I cannot in probability derive them from any other than Pope Zachary, who it seems (as the ostrich) left an egg in the sand, which after a long revolution of
519 time was found and hatched by the care of some Loyolists; for thus he in Aventine;—"A prince is subject to the people, by whose benefit he reigns; whatsoever power, riches, glory, dignity he hath, he received it from the people; . . *regem plebs constituit, eundem destituere potest*[u]." As for the latter (because I know they will scorn to ascribe their original to a Pope), I cannot find one of their ancestors in all the Church of Christ for fifteen hundred years, until I come as high as St. Jude's dreamers, or the Pharisees, of whom Josephus saith, that they were a "sect, cunning, arrogant, and opposite to

trines parallel with those of the Jesuits.]

[Matt. xii. 41, &c.]

[Jude 8.]

[o] [De Pontif. Roman., lib. v., &c. See above Just Vindic., c. viii., and Schism Guarded, sect. i. c. 6; vol. i. pp. 255, 256, ii. pp. 435, 436, Disc. ii. iv. Pt. i.]

[p] [James Simancas, Prof. of Civil Law at Salamanca, afterwards Bp. of Badajos, maintained the Papal claim to temporal supremacy to the same extent as Bellarmine, in his Institut. Cathol. adv. Hær. in 1552 (De Papâ, c. xliv. § 21), and his Enchir. Judic. Violat. Relig. in 1573 (Tit. 21. p. 66, De Principibus). See the Biblioth. Hispan.; and Fabric., Biblioth. Eccl.]

[q] [John Mariana, the Spanish Historian, a Jesuit, carried the same doctrine to still greater lengths in his book De Rege et Regis Institutione, 1st. edit. Toledo 1598. See Fabric., ibid.; and Bayle, Dictionn., art. Mariana, notes G, H: and for the doctrines of the school upon this subject, Taylor's Sermon on Anniv. of Gunp. plot, Works, vol. vi. ed. Heber.]

[r] ["De Jure Magistratuum in Subditos, et Officio Subditorum erga Magistratus," &c., first printed at Geneva in 1573 or 1574, but suppressed by the Genev. Senate; by Theod. Beza;—see Bayle, and M'Crie's Life of Melville, vol. i. note H. This and Languet's treatise mentioned below are to be found at the end of the Latin editions of Machiavelli, De Principe.]

[s] [De Jure Regni apud Scotos, publ. originally without date or place, about 1579.—third edition, cum privilegio Regis, Edinb. 1581. 4to.]

[t] [Hubert Languet under the name of Steph. Jun. Brutus published a book entitled Vindiciæ Contra Tyrannos, sive De Principis in Populum Populique in Principem Legitimâ Potestate, 8vo. Edinb. 1579. It was suspected at first to be Beza's (see M'Crie as above quoted), and maintains the same principles as his treatise just mentioned.]

[u] [Zachar. Pap. Respons. ad Pipini legatos (A.D. 752), ap. Aventini Annal. Boior., lib. iii. p. 174. ed. Francof. 1627.]

kings[v].” And they have one Pharisaical virtue in great eminency, that is, self-love and partiality, to make their own case different from all other men's; as may appear by these particulars.

[1. Of their denial of Royal Supremacy in matters ecclesiastical.]

First, a question is moved concerning the king's supremacy in ecclesiastical affairs. They give power to kings to reform the Church, just as Bellarmine gives to the Pope to depose princes[w], not certainly, but contingently, in the case of an ungodly clergy (that is, in their sense, all other but themselves); but if they be once introduced, neither king nor Parliament have any more to do but execute their decrees: then ‘the whole regiment of the Church is committed by Christ to pastors, elders, and deacons[x]:’ so Cartwright,—then “magistrates must remember to subject themselves, submit their sceptres, throw down their crowns to the Church,” and, “as the Prophet speaketh, to ‘lick the dust of the feet’ of the Church[y],” that is, of the presbytery. What is this but kissing of the presbyters' toes?

[Isai. xlix. 23.]

[2. Their assertion of the supremacy of the people.]

Secondly, where they have hope of the king, there the supreme magistrate may, nay, he ought to reform the Church; yea, “though the statutes of the kingdom be against it:” so say the authors of the Protestation, printed 1605[z].—But what if the king favour them not? Then he is but a conditional trustee, it belongeth to the states and representative body of the kingdom[a].—But what if the nobility will not join? Then the people must[b];—so said Field, “Since we cannot bring this to pass by suit or dispute, the people and multitude must do it[c];” yea, though it be with “blood,” as Martin threatens in his Protestation[d]. “The people”

[v] [De Antiq. Jud., lib. xvii. c. 3. p. 753. ed. Huds.]

[w] [De Pontif. Roman., lib. v. cc. 6, 7; Op. tom. i. pp. 1062—1069.]

[x] [See the First Admon. to Parliament, in 1572, pp. 11, and 12.]

[y] [Reply to Whitgift's Answer to the Admonition, p. 180.]

[z] [See below p. 315. note e.]

[a] [See Knox's Appellat. to the Nobil. and States of Scotland, from the sentence of the Bps., pp. 18-20. in fin. Hist. of Reform. Lond. 1644: and other passages in Maxwell's Burden of Issachar, in the Phenix, vol. ii. pp. 281-287; and Bancroft, Dang. Posit., bk. i. c. 4.]

[b] [See below p. 316, note t; and Knox's Admon. to the Commonalty of Scotl. July 4, 1558, ib. pp. 34 &c., especially p. 40.]

[c] [Apud Bancroft, Danger. Posit., bk. iv. c. 2. in fin. John Field was one of Cartwright's principal coadjutors. He died in 1587. See Wood, Ath. Oxon., i. 534-536.]

[d] [“The Protestation of Martin Marprelate, Wherin notwithstanding the surprizing of the printer, he maketh it known unto the world that he feareth neither proud priest, Antichristian Pope, tirannous prelate, nor godlesse catercap; but defieth them all by these presents,” &c., “published by the worthie gentleman D. Martin marprelat, D. in all the faculties primat and metropolitan,” pp. 4, 5; 4to., no place or date.]

(saith Buchanan) "have as much power over kings, as kings have over particular persons[e]."—"Nobility" (saith the Book of Obedience) "is the bounty of the people to some persons, for delivering them from tyrants, which prerogative the children kept by the people's negligence[f]." And of late, have not the Peers been exhorted to "mingle themselves with the meanest of the people, and for the procuring a parity in the Church, to consent to a parity in the state, and for the subduing of the pride of kings, for a time to part with the power of noblemen[g]."—"For a time?" What's that? That is, according to the former doctrine, till the people be pleased out of their "bounty" to advance them "according to their several talents," for their "zeal to shed the blood of the ungodly[g]." The mystery begins now to open itself, and I trust will shortly appear in its right colours. By these reverend fathers (I mean the rabble) the discipline was brought into Geneva itself against the will of the Syndics, and two Councils;—"*In illâ promiscuâ colluvie suffragiis fuimus superiores*[h]," saith Calvin. Thus these men make kings and nobles but as counters, which stand sometimes for a pound, sometimes for a penny, *pro arbitrio supputantis;* just as Chaucer's Friar, 'he knew how to impose an easy penance, where he looked for a good pittance[i].'

[3. Law of the land superseded by them as being but man's invention.]

Thirdly, the wheel of heaven hath not yet wound up one thread more of the clue of our life, since we heard nothing but encomiums of the law, treason against the fundamental laws, and declarations against arbitrary government. Now the law is become a "formality[k]," a Lesbian rule[l]. Arbitrary government is turned to necessity of state. It is not examined what is just or unjust, but how the party is affected or disaffected, whether the thing be conducible or not conducible to the cause. We are governed, not by the known laws and customs of this realm, but by certain far-fetched, dear-bought conclusions, or rather collusions, drawn by unskilful empirics, without art or judgment, from the law of nature and

[e] [De Jure Regni, p. 58. ed. 1581; quoted by Bancroft, Dang. Posit. bk. i. c. 4. p. 15.]

[f] [Treat. of Obedience, p. 114, by C. Goodman, Genev. 1558; see Strype, Annals, I. i. 182; quoted by Bancr., Survey, c. ii. pp. 8, 9.]

[g] [Lord Brooke's Speech to the House of Lords, Monday Dec. 19, 1642, in answer to the Earl of Pembroke and against an accommodation with the king, printed by order of the House of Commons, pp. 6, 7.]

[h] [Epist. ad Bulling., 15 Jun., 1555. Op. tom. ix. p. 101. b. Amst. 1667.]

[i] [Canterbury Tales, Prologue, 223, 224.]

[k] [See below p. 393. note s.]

[l] [See Aristot., Eth. Nicom., v. 14. "Τῆς λεσβίας οἰκοδομῆς ὁ μολύβδινος κανών . . πρὸς τὸ σχῆμα τοῦ λίθου μετακινεῖται καὶ οὐ μένει."]

of nations, which may be good for ladies, by the proverb, but not for English subjects. Now we are taught down-right, that the laws of the land are but "man's inventions, . . moral precepts, fitter for heathens than Christians; that we must lead our lives according to God's Word[m]" (as if God's Word and the law of the land were opposite one to another), and that notwithstanding the law, men must not think that "God's children in doing the work of their Heavenly Father" (that is, reforming religion) "will faint in their duty[m]" (that is, in raising arms). So farewell *Magna Charta* and the laws of England for ever, if this man may have his will; and welcome the judicial law of Moses. Now I see the reason, why they have taught so long, that the king cannot pardon any crime condemned by the judicial law,—because no man can dispense with the law of God[n]; but how many thousands have been drawn into this action, which never dreamed of such a bottomless gulf of mischief, and when they do see it, will abominate it, and the contrivers of it! 520

[4. They exclude Bishops from Parliament, yet admit ministers.] [2 Tim. ii. 4.]

Fourthly, they have cried Bishops out of Parliament, because "no man that warreth" must "entangle himself with the affairs of this life:" yet they themselves have been humble motioners, both in England and in Scotland, to have a number of wise and grave ministers admitted into Parliament, instead of Bishops[o]. It was the men then, not the thing, they misliked.

[5. And blame clergymen who are Privy-Councillors, yet make ministers commissioners.]

Fifthly, they say, to be a clergyman and a Privy-Councillor are incompatible[p]; yet Calvin and Beza were of the Council of Sixty at Geneva, and the Syndics and Councillors there of the ecclesiastical senate[p]: yea, nearer home, in a great treaty of late, and in a commission now on foot, we have seen a minister a prime commissioner[q]; and their greatest privy-councillors are of their lay elders, which by their new learning are a part of their ecclesiastical hierarchy.

[m] [Lord Brooke's Speech, p. 7.]

[n] [See above Fair Warning, c. vi. pp. 260, 261. Disc. i. Pt. ii.; and Bancroft, Survey, c. xxv.]

[o] [Humble Motion to Lords of Council for Reform. of Eccl. Disc. and Ch. Gov., printed in 1590, p. 52; for England.—Heylin's Hist. of Presb., bk. x. § 30; for Scotland. And see Bancroft, Survey, c. xxvi. pp. 300, 301.]

[p] [Bancroft, ibid., p. 303, and c. ii. pp. 22, 23.]

[q] [Viz. in the treaty with the Scots in 1640, in which Henderson was a principal commissioner on the Scotch side (Clarend., bk. ii. vol. ii. p. 275. 8vo. ed.); and in the mission of the same Henderson to the king with a "petition" from the Commissioners of the Gen. Assemb. Jan. 4, 1642-3 (Id. bk. vi. vol. iii. pp. 498, &c.). Serpent-Salve was *written* early in 1643: see above in the Pref. to this vol.]

Sixthly, we have heard a great noise lately about an oath decreed in the Convocation[r], about another oath called *Ex officio* (as if it were against the law of nature, for a man to accuse himself, '*nemo tenetur prodere seipsum*')[s], and, lastly, about the subscription which is required to our Articles of Religion[t]. Yet, for the first, the citizens of Geneva took the like oath for their new discipline (which the sun had never beheld before), that was prescribed here for our old discipline. There every minister at his admission takes an oath in these words, "I do promise and swear to keep the ecclesiastical ordinances, which are passed by the Small, Great, and General Councils of this city[u]." This is a note higher than ours. And of late, we know who they were, that took an oath to stand to those decrees and decisions which should be made in an assembly to come. For the second, that is, the oath *Ex officio*, it is allowed in their presbyteries; Calvin in an Epistle to Farellus acknowledged, that he himself administered it[x]. And for subscriptions, they are so familiar among them, that there is not a minister admitted to a charge, nay, not a boy matriculated into a College, but he knows it. Is not this partiality? [6. And declaim against oaths and subscriptions, yet exact them.]

Seventhly, they complain, that the ecclesiastical courts did extend their jurisdiction to civil causes: yet there is not that offence in the world, from dancing and feasting to treason and murder, which is either a violation of our piety towards God, or charity towards man, which they do not question in their presbyteries: and (which is worse) their determinations are not regulated by any known law, but are merely arbitrary, *secundum sanas conscientias*[y]. Neither doth there lie any appeal from them (as there did from ecclesiastical courts). He that durst but bring a prohibition to one of their elderships, he would quickly feel, that it was to pull the sceptre of Christ out of His hands[y]. [7. And complain of the Church courts, yet go beyond them in the very points complained of.]

Eighthly, they groaned hard under the burden of the High

[r] [The "et cætera oath," against the alteration of Ch. gov. "by Bishops, Deans, Archdeacons, &c.," was imposed by the Convoc. of 1640, can. 6. (Nalson, vol. i. p. 542).]

[s] [See Bancroft, Survey, c. xxvi. pp. 308-315; and for later times, Smectymn., sect. 11; and Lilburne's Speech in the Star Chamber when indited in 1637, in Rushworth, vol. ii. p. 463, &c.]

[t] [See Bancroft, ibid.]

[u] [Ordonn. Eccl. de l'Eglise de Genève, pp. 9, 21.]

[x] [Farello, anno 1546;—Op. tom. ix. p. 38. b. ed. Amst.]

[y] [See Bancroft, Survey, c. xxv. pp. 281-297, xxvi. pp. 303-306; and Fair Warning, c. xi. above pp. 276 &c., Disc. i. Pt. ii.]

[8. And murmur against the High Commission, yet establish Presbyteries.]

Commission: yet themselves would erect a high commission in every parish. I do not know whether all their presbyteries be endowed with the like power, but sure I am, some of them have had both their prisons and their poursuivants. And where the High Commission here was confessed to be a temporary institution, they plead for the other as a Divine institution[z]. Yet, fearing this parochial jurisdiction might not produce an uniform reformation, some of them have desired, others accepted, general commissions for national superintendency.

[9. And slight Councils and Convocations, yet extol Assemblies.]

Ninthly, they slight all old Councils, and new Convocations; and call their canons in scorn, "the precepts of men[a]:" yet, where they have power to call a synod or assembly, every man must submit at his uttermost peril, as if themselves were not men, but a company of Angels[b].

[10. Other inconsistencies.]

Lastly, they call for liberty of conscience; yet no men impose a heavier yoke upon the conscience. They cry out against martial law in others, and approve it in themselves. They hate monopolists, but love monopolies. They condemn an implicit faith, yet no men more confiding and implicit; grounding their actions neither upon reason, law, nor religion, but upon the authority of their leaders and teachers. They magnify the obligation of an oath; yet, in their own case, dispense with all oaths, civil, military, religious (witness Master Marshall and Master Downing[c]). We are now taught, that "the oaths we have taken" must not be "examined according to the interpretation of men[d]." No? How then? Surely, according to the interpretation of devils. They complained, that excommunication was used for trivial causes; yet themselves stick not to cast abroad this thunderbolt, for feasting, or dancing, or any the least aberrations. They complain of severity against their pastors; yet themselves do teach in their own case, that they are more rigorously to be dealt withal, who poison the souls of men with false doctrine, than they that infect their bodies with poison. A false principle, I confess; and repugnant 521

[z] [See Bancroft, Survey, c. xxvi. pp. 306-309.]

[a] [Lord Brooke's Speech, p. 7.]

[b] [Bancroft, ibid. pp. 301-306; and see above in Fair Warning, c. v. pp. 259, 260.]

[c] ["Two of the most eminent chaplains" of the Parliament, "Dr. Downing and Mr. Marshall, publicly avowed, that 'the soldiers taken prisoners at Brentford'" (by the king's army in November, 1642), "'and released by the king upon their oaths that they would never again bear arms against him, were not obliged by that oath,' but by their power absolved them thereof." Clarend., bk. vi. vol. iii. p. 339. 8vo. ed.]

[d] [Lord Brooke's Speech, p. 7.]

to the practice of all the world. Men are willingly perverted, but not willingly poisoned. The poisoner knows the power of his poisons; the false teacher doth not always know his own error. Repentance may be a remedy for the one, but there is no cure for the other. The diseases of the soul are indeed greater than the diseases of the body, if you consider them in the same degree; otherwise, a sullen fit of melancholy (though an infirmity of the mind) is not so terrible as a raging fit of the stone; yet is it but an infirmity of the body. They cry out against the disorders of our ecclesiastical courts, but will not see "the beam in their own eye;"—that in their consistories the same man is both president and register; the same parties both accusers, witnesses, and judges; the proof, sometimes upon oath, sometimes without oath, sometimes taken publicly, sometimes privately, so as the person accused neither knows who is his accuser, nor what is proved; sometimes records are kept, sometimes not kept; as for matter of lawful exception and defence, it is accounted superfluous and superstitious. I plead not for any former abuses; I desire not to abridge the lawful power of any other Church; but only shew the extreme partiality of these men. Yea, what is that, which themselves have condemned in others, that themselves do not practise, where they have power, in a much higher degree? Is not this fine hocus pocus? "A man and no man, hit a bird and no bird, with a stone and no stone, on a tree and no tree." In this riddle there may be something in nature which seems to be intermedious, to salve the contradiction in show; but in their case no manner of difference, to make the same thing just and unjust, but self-love and partiality. Was it treason in the northern rebels to make an insurrection for religion[e], and is it now become piety? I delight not in domestical examples; let us rather cast our eyes beyond sea, and see where ever Protestants were accused for rebellion, but where either Anabaptism or this Discipline did take place. And yet none of them (I except only Anabaptists) were half so criminous as

[Matt. vii. 2.]

[Rebellious nature of the Presbyterian Discipline.]

[e] [Viz. the rebellions of the northern counties, and of the Earls of Westmoreland and Northumberland, in behalf of Romanism, in the reigns of Henry VIII. Edward VI. and Elizabeth, A.D. 1536, 1549, 1569. Speed, Chron., bk. ix. c. 21. § 96-99, c. 22. § 48-51, c. 24. § 62-71. Bramhall's reference is to the second of the three.]

ours. They had sundry pleas, which we cannot make for ourselves. As, first, that they did not rise up against their lawful prince, but only against a Protector to whom they did owe no allegiance, but an honourable acknowledgment; but our laws bind us not only to owe allegiance, but to swear it. Or, secondly, that they did not rise up against the person of their prince, but against some enraged minister of his, reserving still their obedience to their sovereign inviolate; but we have not only resisted, but invaded the king's person; there were more great shot made at the very place where the king was at Edge-hill, than [any where else on[g]] the same proportion of ground throughout the field[h]: the very like courtesy was offered to the Queen at Burlington, to welcome her into England[i]. Or, thirdly, their princes did go about to force their consciences, without law or against law; and by an arbitrary power set up an inquisition among them; but good King Charles is so far from this, that for the ease of his subjects he hath taken away a High Commission established by statute, and is still ready to condescend to any thing that can be reasonably proposed for the case of tender consciences. What is it then? Hath his majesty been a hard master? No. Hear a witness that will not violate his conscience to do his Majesty service;—"I see many here, the most notoriously obliged, indeed as much as servants can be to a master, in this good cause have mastered those vulgar considerations, and had the courage to despise him" (that is, the king) "to his face[k]." A good panegyric; and his Majesty may live to requite them, as Canutus did Edric the traitor, when his son had slain Edmund Ironside, and he saluted the king with "*Ave Rex solus;*" his reward was a good gibbet,—"*Ego te hodie ob tanti obsequii meritum cunctis regni proceribus reddam celsiorem*[l]."

[Oct. 23, 1642.]

[Feb. 1642-3.]

[These principles adopted from self-interest.]

These seditious and schismatical principles were not the results of a speculative, free, and unengaged judgment, but rather the excuse of criminous, or the defence of necessitated persons. Where practice produceth new opinions, and reason preposterously followeth the dictates of the will, there is

[g] [Added in the folio edition.]

[h] [See the King's Declar. after the battle of Edgehill, Exact Collect., p. 649.]

[i] [Clarend., bk. vi. vol. iii. p. 445. 8vo. ed.]

[k] [Lord Brooke's Speech, p. 7. "*Almost* to his face."]

[l] [Matt. Westmon., in an. 1017.]

small hope of truth. When men of Belial, factious persons, had shaken off the yoke of a just government, being neither
522 pretenders themselves in point of right, nor capable of sovereignty by reason of their obscurity, that they might retain that in part, which they could not grasp in the whole, they broached these desperate devices of the omnipotency of the people. When others, or the same men, either having expelled Bishops to gain their revenues, upon pretence of superstition, or living under a sovereign of another communion, could not have Bishops of their own, and yet did find the necessity of discipline, then they fancied the new form of presbyteries, in imitation of the Jewish Synedriums throughout their synagogues[m]; though that be most uncertain, and all men know this for certain, that the synagogues were but human institutions, not from the law but from "old time:" Acts xv. 21. which new form of discipline was so adapted and accommodated to the politic state of the city of Geneva, that (as it was there established) it cannot possibly fit any other place, except it have four Syndics, a greater and a lesser Council. Then (as all sects are modest in their beginnings) they desired their neighbour Churches only to certify that their discipline was not repugnant to the Word of God; yet now they would obtrude it on the world as "the eternal Gospel[n]." So our new upstart Independents, which run gadding about the world like lapwings with their shells upon their heads, having been kept under the hatches here in old England, performing their Divine offices in holes and corners, and having no assemblies but such as did of their own accord associate themselves to them, now deny the name of true Churches to all societies but such blind conventicles. And shall we make their excuses to be our grounds? Shall we, that live in the most temperate part of the temperate zone, and enjoy a government as temperate as the climate itself; we, who cannot complain either of too much sun or too little sun, where the beams of sovereignty are neither too perpendicular to scorch us, nor yet so oblique but that they may warm us; shall we go about in a madding humour to dissolve a frame of government, which made our forefathers happy at home, and famous abroad? Shall we, whose Church was the

[m] [See authorities in Bancroft, Surv., c. vi. p. 92.]

[n] [See above in Fair Warning, c. viii. pp. 269, 270; Disc. i. Pt. ii.]

envy and admiration of Christendom, neither too garish nor too sluttish, excelling some as far in purity as it did others in decency, now learn religion out of tubs, as if the little toes could see further than the eyes? If they have an extraordinary calling, where are their miracles? "*Mendacia video, miracula non video*"—"We hear their lies, not see their wonders." St. Paul became "all things to all men;" but that was, "*compatiendo non mentiendo*," as St. Augustin saith[o]. Shall we without need put our lives into the hands of crack-brained unskilful empirics, which have taught us already to our loss, that a new physician must have a new church-yard? Rather, "*mutemus clypeos*[p]"—let us leave them old England, and content ourselves with New England. It will be better to live in hollow trees, among savages and wild beasts, than here, to be chopping and changing our religion every new moon. Be not deceived, as if these men did desire no more than only the rectifying of some former obliquities and irregularities. We are now told in plain English, that it is "to subdue the pride of kings[q]." Monarchy itself is the only object worthy of these men's wrath. May not one here exclaim (as the great Turk did to his Council, when the Templars and Hospitallers advised him by letter, how Frederick the Christian Emperor might be taken), "*Ecce fidelitas Christianorum*[r]"—'behold the loyalty of our great reformers!' But what is this "pride of kings?" If we will believe one of their authors[s] in his application of the story of Cleomenes his daughter to the domestic custom of the Spartan kings ("*pater, hospes manus non habet*[t]"), it is one piece of their pride to have a man to pull off their shoes, and yet they say the author had one to brush his clothes. Now they stick not to let us know why they maligned Episcopacy. Whilst Bishops stood, they could not fill all the pulpits of the kingdom with their seditious orators, who might incite the people, that "their zeal to God may not be interrupted by their duty to the king," that by the "Christian labours of their painful preachers they may not want hands to bring their wishes to pass[u]" (they are their own

[1 Cor. ix. 22.]

[o] [Contra Mendac. ad Consent., c. xii.; Op. tom. vi. p. 464. D.]

[p] [Virg., Æn., ii. 389.]

[q] [See above p. 303. note g.]

[r] [Matt. Paris., p. 358, in an. 1228.]

[s] [Buchan., De Jure Regni, pp. 17, 18. ed. 1581.]

[t] [Plut., Lacæn. Apophthegm., Gorgon. num. 3, Op. Moral. tom. i. p. 678. ed. Wyttenb.]

[u] [Lord Brooke's Speech, p. 7. "*Corrupted* by their duty," &c.]

words). Is this the reason we have not a word of peace and charity from that party, but all incentives to war, and to join in making that "great sacrifice to the Lord?" Yet, whilst they are so busy in getting hands (too many of them perjured hands), let them remember Rodolphus the Duke of Sweveland his hand in Cuspinian; who, being drawn into a rebellious war against the Emperor, and in the battle having his right hand cut off, held out the stump to those that were about him, saying, "I have a just reward of my perjury, with this same hand I swore allegiance to my sovereign lord[x]." Yet the good Emperor buried him honourably; which being disliked by some of his friends, he replied, "*Utinam omnes mei adversarii eo ornatu sepulti jacerent*[x]." We have sworn allegiance as well as he; and God is the same He was, a severe avenger of perjury. Only Zedekias of all the kings of Judah (a perjured person to Nebuchadnezzar) had his eyes put out, because (saith one) he had not that God by whom he sware before his eyes. Another instance of perjury we have in Uladislaus: when Huniades had made truce with Amurath for ten years, the king by the incitement of Cardinal Julian did break it; the Turk in distress spreads the articles towards heaven, saying, "O Jesus, if Thou be a God, be avenged of these false Christians;" presently the battle turned, Uladislaus was slain in the fight, the Cardinal in flight[y]. When God had justly punished Corah and his rebellious company, the common people murmured against Moses and Aaron, saying, "Ye have killed the Lord's people." What was the issue? The Lord sent a plague, which swept away fourteen thousand and seven hundred of them: so dangerous a thing it is only to justify traitors. Dost thou desire to serve God purely according to His Word? So thou mayest, without being a traitor to thy prince. If our practice were but conformable to the truth of our profession, we might challenge all the Churches in the world. God Almighty lighten the eyes of all those that mean well, that we may no longer shed one another's blood, to effect the frantic designs of fanatical persons, and by our contentions pull down what we all desire to build up, even the Protestant religion, the law of the land, and the liberty of the subject.

[A.D. 1080]

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[2 Kings xxv. 7.—2 Chron. xxxvi. 13.]

[A.D. 1444]

Numb. xvi. 41, 49.

[x] [Cuspin., Cæsares, in Hen. IV., p. 438.]

[y] [Id., ibid., in Amurath II., p. 667.]

[The plausible words of the rebels to be tested by their deeds.] [Gen. xxvii. 22. —Prov. xxx. 20.]

Treason never yet wanted a cloak. We are not to judge of rebels by their words, but by their deeds. Their "voice is Jacob's voice;" but their "hands are the hands of Esau." "The adulterous woman eateth and wipeth her mouth, and saith, What have I done?" Yet sometimes God suffers the contrivers of these distractions unwittingly to discover themselves, that unless we do wilfully hoodwink our eyes, we cannot but see their aims. Among others, that speech, which exhorts us to "subdue the pride of kings," to "purchase a parity in the Church with a parity in the state," to "shed the blood of the ungodly;" that slights all former oaths and obligations, and vilifies the laws of the land as "the inventions of men[z];"—may be a sufficient warning-piece to all loyal subjects and good Christians. And so may the late petition be, though from meaner hands, to a common council, wherein they do nakedly and professedly fall upon his Majesty's person without any mask, and saucily and traitorously propose the alteration of the civil government, which every true-hearted Englishman will detest[a]. Say not these are poor vulgar fellows. These have been the intelligences that have of late turned the orb of our state about, or at least the visible actors. And who sees not, that this is cast abroad thus by the cunning of their sublimated and mercurial prompters, to try how it will relish with the palate of the people; as an introduction to their actual design, that when it comes to pass, the world may not wonder at it as a prodigy. So was it given out among the people by Richard the Third, that his wife was dead, when she was in good health, but she wisely concluded what was intended by her kind husband to be her next part[b]. Where are our English hearts? Why do we not at last all join together, to take a severe account of them, who have blemished our Parliament, subjected our persons and estates to their arbitrary power; who have sought to dethrone our sovereign, and to rob us of our religion, laws, and liberties? But now to the Observator.

[z] [Speech of Lord Brooke. See p. 303. note g.]

[a] [A petition of "many thousands of poor people in and about London," was presented to Parliament in Jan. 1642-3, praying for a union of the Lords with the Commons in one House (Clarend., bk. iv. vol. ii. pp. 222-224. 8vo. edit.); to which Bramhall seems to allude.]

[b] [Holinshead, Chron., vol. iii. p. 751. a. And see Shakspere, Rich. III., Act iv. Sc. 2.]

THE SERPENT-SALVE,

OR,

A REMEDY FOR THE BITING OF AN ASP.

[FIRST PRINTED IN ENGLAND, A.D. 1643.]

[SECTION THE FIRST.]

Observer—"In this contestation between Regal and Parliamentary power, for method' sake, it is requisite to consider, first, of Regal, then, of Parliamentary power; and in both to consider the efficient and final causes, and the means by which they are supported[a]."

Answer—Stay, sir; before we enter into these considerations, let us remember the rule in Rhetoric, "*Cui bono*"—what advantage will this inquiry bring us? Do you desire to be one of the Tribunes or Ephori of England to controul [Little advantage of the present inquiry.]

[a] [Observations on some of His Majesties late Answers and Expresses, p. 1. 2nd edit. "corrected from some grosse errors in the presse;" 4to. without place, date, or name:—by Henry Parker, Secretary to the army under the Earl of Essex in 1642, and afterwards to Cromwell, who "died distracted in the time of Oliver Lord Protector" (see an account of him in Wood, Athen. Oxon.);—twice printed in 1642;—answered also by Dudley Digges, fellow of All Souls' ("An Answer to a Printed Book intituled Observations &c., publ. by his Majesties command, Oxf. 1642, anonym.—see Wood), John Jones "a gentleman of the Inns of Court" (Christus Dei, or a Theolog. Discourse, wherein is proved, that Regall or Monarchicall Power is not of Humane but of Divine Right, &c., written in Answer to a late Printed Pamphlet intituled Observations &c., Oxf. 1642, anonym.—see Wood), Sir John Spelman (A View of a printed Book intituled Observations &c., Oxf. 1642, anonym.—see Wood), W. Ball (A Caveat for Subjects moderating the Observator, Lond. 1642), and several others of more or less note (see e. g. in the Bodleian Catalogue under Carolus I.). For Bramhall's Serpent-Salve, which was anonymous also, see below in vol. v. Disc. ii. Pt. iv.—Rawdon Papers, Letter XXXVII,—and above in the Pref. to this vol., and in vol. i. pp. xxx. xxxi.]

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your king? Or would you have the great oak cut down, that you might gather some sticks for yourself? Thus we are told lately, "the wisest men will not think themselves uncapable of future fortunes, if they use their uttermost power to reduce him" (that is, the king) "to a necessity of granting[b]." Or would you have us play the Guelphs and Ghibellines, to cut one another's throats for your pastime? Pardon us, sir; we cannot think it seasonable, now when poor Ireland is at the last gasp, and England itself lies a bleeding, when men's minds are exasperated by such trumpeters of sedition, to plunge ourselves yet deeper in these domestic contestations. What could the Irish rebels desire more? Comparisons are always odious, but contestations are worse; and this between a king and his Parliament, worst of all. This dismal question did never yet appear in this kingdom, but like a fatal screech-owl, portending blood, death, and public ruin. This was the subject of the Barons' war. The consequent of this, in the wrong offered to a lawful prince, was the fountain of those horrid dissensions between the red rose and the white, which purpled all our English soil with native blood. We have had too much of this already. Half of that money which of late hath been spent, of that blood which hath been shed about this accursed controversy, would have regained Ireland, and disengaged England; whereas now the sore festers daily more and more under the chirurgeon's hands. Our forefathers have settled this question for us; we desire to see what they have done, before we go to blindman's buffet one with another. If it hath been composed well, or but indifferently, it is better than civil war; and though it had not, when the jarring strings of men's minds are tuned again, it is probable it may sleep for ever. It were much better to put it off, as the Areopagites did knotty questions, to a very long day; or, with the Jews, for Elias to resolve when he comes.

[Earlier Nonconformists condemn the doctrine of the Observator.]

But, good sir, if it may be without offence, satisfy me in one doubt, what sect you are of? Whether some newly sprung up mushroom, or [whether] you derive yourself from those nonconformists, which were in the days of Queen Elizabeth and King James. They have solemnly protested

[b] [Lord Brooke's Speech, p. 6.]

in print, that "no Christians under heaven, do give more to the regal supremacy than they[c];" yea, "without limitation or qualification[d];" that for the king "not to assume such a power," or for "the Churches within his dominions" to "deny it," is "damnable sin" (mark it), "although the statutes of the kingdom should deny it him[e]" (and statutes are more than bare votes); that it "is not tied to their
526 Christianity, but their crown, from which no subject or subjects have power to separate it[f]." If "no subjects" collectively, then not one or both Houses. But they go further,—and I pray you make it one of your Observations,—that "though the king command any thing contrary to the Word of God, yet we ought not to resist, but peaceably forbear obedience and sue for grace, and when that cannot be obtained, meekly submit ourselves to punishment[g]." How you have practised this of late, the world sees, and this kingdom feels. They declare, that "it is utterly unlawful for any Christian Churches by armed power against the will of the civil magistrate, . . to set up in public the true worship of God, or suppress any superstition or idolatry[h]." They abjure all doctrines repugnant to these, as "Anabaptistical and Antichristian[i]." They condemn all practices contrary to these, as "seditious and sinful[k]." I forbear sundry other things avouched by them in the same Protestation; as, "that the king only hath power within his dominions to convene synods of ministers," and by his authority royal to ratify "their canons[l];" yea, that if it should please the king and civil state to continue Bishops, they "could be content without envy to suffer them to enjoy their state and dignity, and to live as brethren with those ministers that should acknowledge homage unto them[m]." By this time I suppose you have enough of the Protestation. My *quære* is but short,—whe-

[c] [Protestation of the King's Supremacy, made in the name of the Afflicted Ministers, and opposed to the shameful Calumniations of the Prelates, A.D. 1605.]—in the Preface:—[reprinted in 1647, London, "to shew the nonconformity of the Doctrine and Practice of the Presbyterians, Sectaries, and others in these times, to what their brethren then profest." See also Neal, Hist. of Purit., Pt. ii. c. 1. pp. 451—453, 4to. edit.]

[d] [Ibid.,] pag. 1. [§ 1. ed. 1647.]
[e] [Ibid.,] pag. 2. [§ 2.]
[f] [Ibid., p. 2. § 4.]
[g] [Ibid.,] p. 4.—[p. 3. § 9.]
[h] [Ibid.,] p. 18.—[p. 6. § 21.]
[i] [Ibid.,] p. 18.—[p. 6. § 19.]
[k] [Ibid., p.] 9.—[p. 6. § 21.]
[l] [Ibid.,] p. 6.—[p. 4. § 14.]
[m] [Ibid.,] p. 2.—[Petition for liberty of conscience annexed to the Protestation, quoted in Neal, ibid. p. 453.]

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ther you can change your doctrine as the chamelion her colours, according to the present exigence of affairs; or will acknowledge your opinions to be "Anabaptistical and Anti-christian," your practice "seditious and sinful," in the judgment of your predecessors.

[Yet its seeds may be found among them.]

And yet I am not ignorant, that both before, and after, and about the time of this Protestation, a cockatrice egg was hatching; when a subject durst style the great Senate under which he lived, "*Tumultuosa perditorum hominum factio*"—"a tumultuous faction of desperate men[n];" and the judges "*discordiarum duces*[o]." Then the mystery began to work closely, but shortly after it shewed itself openly, when his successor did publish to the world, that "if kings observe not those pactions to which they were sworn, subordinate magistrates have power to oppose them, and the orders of the kingdom to punish them if it be needful, till all things be restored to their former estate[p];" that "what power a General Council hath to depose a Pope for heresy, the same the people have over kings that are turned tyrants[p]." A woeful argument, drawn from an elective Pope to an hereditary king, from a free and Œcumenical Council to a company of limited and sworn subjects, from an action grounded on known law to an arbitrary proceeding. The king's crown sits closer, the Council's power is greater, the like law is wanting. Others teach, 'that the people must bridle princes if the nobility will not[q].' Our countryman Cartwright speaks very suspiciously;—"To think the Church must be framed according to the commonwealth, and the Church government according to the civil government," is "as if a man should fashion his house according to his hangings; whereas indeed it is clean contrary; that as the hangings are made fit for the house, so the commonwealth must be made to agree with the Church, and the government thereof with her government[r]." Add to this their other tenet,—that the govern-

[n] Calvin., Epist. 40. [ed. Lausann. 1586;—Nov. 29, 1541, Farello, Op. tom. ix. p. 19. b. Amst. 1667.]

[o] [Id.,] Epist. 10. [wrongly quoted, from a misunderstanding of Bancroft, Surv., c. ii. p. 19. The expression is Beza's, in his Life of Calvin.]

[p] De Jure Magistrat., pp. 78, 79. [ed. Francof. 1608.]—p. 95. [ed. 1576. —pp. 429, 430. Quæst. vi., in fin. Machiav. Princ. Lugd. Bat. 1643.]

[q] [Vide] Buchan., De Jure Regni, p. 57. [ed. 1581.]

[r] Reply to [an Answere made of M. Doctor] Whitgift [againste the Admonition to the Parliament, by T. C.], p. 181. [4to. no place, or date; publ. about 1573.]

ment of the Church with them is democratical, or at best but aristocratical; and what will follow? That the civil government must be the same; or, at the least, if it be inconsistent with the form of Discipline which they fancy, it must be regulated and conformed thereunto. I omit the traitorous opinions of Goodman, Gilby, Whittingham; teaching sheriffs and jailers to let loose them whom they call Saints; teaching subjects to reduce their sovereigns into order by force, yea, to depose them, or put them to death. But these seditious principles were suppressed then by the learning and authority of Grindal, Sandes, Parkhurst, Jewel, Beacon, Nowel, Cox, Barlow, &c.; who, being exiled for religion, at Frankfort accused Knox of high treason about them, and put him to make use of his heels[s]. Let this very confusion of them in this matter be a warning to us, how we "have the faith of our Lord Jesus Christ in respect of persons;" or be so glued to the persons of our teachers, that we suck up their errors as greedily as their good lessons; forgetting that they were but men, and that particular relations and engagements have an insensible influence upon the best tempered minds.

Discourse II.

James ii. 1.

[SECTION THE SECOND.]

Observ.—"The king attributes the original of his royalty to God and the law, making no mention of the grant, consent, 527 or trust of man therein; but the truth is, God is no more the author of regal than of aristocratical power, nor of supreme more than of subordinate command. Nay, that dominion which is usurped and not just, yet, while it remains dominion, and till it be again legally divested, refers to God as to the author and donor, as much as that which is hereditary[t]."

Answ.—That royalty and all lawful dominion, considered in the abstract, is from God, no man can make any doubt,

[I. Of Regal Power.—Lawful do-

[s] [See (besides Goodman's Treat. of Obedience, Genev. 1558, &c.) "A brieff discours off the Troubles begonne at Francford in Germany A.D. 1554: abowte the book of common prayer and ceremonies," first publ. in 1575; reprinted in 1642, "for the consideration of Parliament;" and again in the 2nd vol. of the Phenix, pp. 44, &c., in 1721; —Collier, Ch. Hist., Pt. II. bk. v. vol. ii. pp. 393-396;—and Bancroft, Survey, c. iii., and Danger. Posit., bk. ii. c. 1.]

[t] [Observations &c., p. 1.]

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but he who will oppose the Apostle. "The powers that be, are ordained of God;" and [it is] God Himself Who saith, "By Me kings reign and princes decree justice." But the right and application of this power and interest in the concrete to this particular man, is many times from the grant and consent of the people. So God is the principal agent, man the instrumental: God is the root, the fountain of power; man the stream, the bough, by which it is derived: the essence of power is always from God; the existence sometimes from God, sometimes from man. Yet grant and consent differ much; and consent itself is of several kinds, explicit or implicit, antecedent or subsequent. A long-continued prescription or possession of sovereignty, without opposition or reluctation, implies a full consent, and derives a good title of inheritance, both before God and man. These grounds being laid, take notice of four gross errors, which the Observer runs into in this section.

minion in the abstract derived from God; applied by man.]

Rom. xiii. 1. Prov. viii. 15.

[1. The people cannot grant it, in general.]

First, he supposeth, that all dominion is from the grant or consent of the people; whereas in truth all dominion in the abstract is from God. The people could not give what they never had, that is, power of life and death. But true it is, that magistrates in the concrete are styled "the ordinance of man;" subjectively, because they are men; objectively, because they reign over men; and many times effectively, because they are created or elected by men. But this last holds not in all cases. I say nothing of such kings as were named immediately by God. Those, whose predecessors or themselves have attained to sovereignty by the sword, by conquest in a just war, claim immediately from God. Those also, who were the first owners or occupants of waste lands, might admit tenants or subjects upon such conditions as they themselves would prescribe. Thirdly, those who plant at excessive charge in remote parts of America, will give and not take laws from their colonies. Fourthly, upon the spreading of a numerous family, or the great increase of slaves and servants, "*ditis examen domus*[u]," how often have the fatherly or magistral power been turned into royalty! And though these were but petty kingdoms at the first, yet, as great rivers grow from the confluence of many little brooks, so, by wars,

1 Pet. ii. 13. ["κτίσις ἀνθρωπινή."]

[u] [Horat., Epod., ii. 65.]

marriages, and treaties, they might be enlarged. In all these cases there is no grant of the people. This is one error.

[2. Have not granted it in England.]

His second error rests in the hypothesis. His Majesty's original title to this kingdom was not election, either of the person, or of the family, but conquest, or rather a multitude of conquests; the very last whereof is confirmed by a long succession of four and twenty[x] royal progenitors and predecessors, glorious both at home and abroad, in peace and war; except when this dismal and disastrous question did eclipse their lustre, and hinder the happiness of this nation, in the days of King John, Henry the Third, Edward and Richard the Second, or in the bloody wars between the two houses of York and Lancaster, which were nothing else but the fruits and consequents thereof. Neither can the Observer collect from hence, that this is to enslave our nation as conquered vassals. It is a gross fallacy to dispute '*à dicto simpliciter ad dictum secundum quid*'—from the right of absolute conquerors to his Majesty now, as if so many good laws, so many free charters, so many acts of grace, in so long a succession, had operated nothing. This is a second error.

[3. Supreme command immediately from God, subordinate command mediately so.]

Thirdly, the Observer teacheth, that subordinate command is as much from God as supreme. His Majesty is much bound unto him, to make his royal commands of no more force, by God's institution, than a petty constable's. We have hitherto learned otherwise,—that kings hold their crowns and sceptres from God, and subordinate magistrates have their places by commission from them. But it is familiar with these men, to leap over the backs of intermedious causes, and derive all their fancies from God, as the heathens did their genealogies; whereby they destroy the beauty and order of the world, and make many superfluous
528 creatures, which God and nature never made. In sum, subordinate commands are from God, yet neither so immediately, nor so firmly, as supreme; but "as a row of iron rings touching one another, and the first touching the loadstone, in their several degrees, some more loosely, some more remotely than others[y]." The case is not altogether like for regal and aristocratical power. One God in the world, one

[x] [Viz. from the Norman Conquest.] i. p. 34, Lond. 1742.]
[y] Philo, [De Opif. Mundi, Op. tom.

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soul in the body, one master in a family, one sun in the heaven, and anciently one monarch in each society. All the first governors were kings. Both forms are warranted by the law of nature, but not both in the same degree of eminency. If an old man had the eye of a young man, he would see as well as a young man (said the philosopher). The soul of an idiot is as rational as the soul of a statesman; the difference is in the organ. So the soul of sovereign power, which is infused by God into democracy or aristocracy, is the same that it is in monarchy; but seeing the organ is not so apt to attain to the end, and seeing that God and nature do always intend what is best, and, lastly, seeing that in some cases the existence of government as well as the essence is from God, Who never instituted any form but monarchical, the Observer might well have omitted his comparison.

[4. Usurped dominion not from God in the same sense as is hereditary.]

The fourth and last error is worst of all,—"that usurped and unjust dominion is referred to God as its author and donor, as much as hereditary." This is downright. We have been taught otherwise, before a few vain upstart empirics in policy troubled the world;—that dominion in a tyrannical hereditary governor is from God even in the concrete (I mean the power, not the abuse); that such an one may not be resisted without sin; that his person is sacred; but, contrarywise, that dominion in a tyrannical usurper or intruder is indeed from God permitting, whereas He could restrain it, if it pleased Him; or from God concurring by a general influence, as the earth giveth nourishment to hemlocks as well as wheat,—"In Him we live, we move, and have our being;" or from God ordering and disposing it, as He doth all other accidents and events, to His own glory; but that it is not from God as author, donor, or instituter of it. Neither dare we give to a tyrannical usurper the essential privileges of sovereignty; we deny not, that any subject may lawfully kill him as a public enemy without legal eviction. Much less dare we say with the Observer, that power usurped and unlawful is as much from God as power hereditary and lawful. If it be so, cough out, man, and tell us plainly, that God is the author of sin.

[Acts xvii. 28.]

SECTION THE THIRD.

Observ.—"And the law which the king mentioneth, is not to be understood to be any special ordinance sent from Heaven by the ministry of Angels or Prophets, as amongst the Jews it sometimes was. It can be nothing else among Christians, but the pactions and agreements of such and such [politique] corporations[b]."

Answ.—There is a double right considerable; the right *to* the crown, and the right *of* the crown. The right and title *to* the crown is with us undoubted: there needs no Angel from Heaven to confirm it, where no man can pretend against it. The right *of* the crown is the only subject in question. This is from the law of God, the law of nature, and the law of nations. That this power in an absolute conqueror may be limited by statutes, charters, or municipal laws, in court of conscience, in court of justice, to God, to His people, I grant (without communicating sovereign power to subordinate or inferior subjects, or subjecting majesty to censure): which limitation doth not proceed from mutual pactions, but from acts of grace and bounty. I would know to what purpose the Observer urgeth this distinction of laws. Will it alter the state of the question, or the obligation of subjects? Nothing less. Whether the calling of the prince be ordinary or extraordinary, mediate or immediate, the title of the prince, the tie of the subject, is still the same. Those ministers who were immediately ordained by Christ or His Apostles, did far exceed ours in personal perfections; but as for the ministerial power, no tract of time can bring the least diminution to it. God was the first instituter of marriage; yet He never brought any couple together but Adam and Eve; other marriages are made by free election: yet, for as much as it is made by virtue and in pursuance of Divine institution, we do not doubt to say, and truly, "those whom God hath joined together." His Majesty's title is as strong, the obligation and relation between him and his subjects is the very same, as if God should say from Heaven, Take this man to be

[Right of the crown explained.]

[Marriage Service.]

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[b] [Observations &c., p. 1.]

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your king. Again, if the liberty of the subject be from grace, not from pactions or agreements, is it therefore the less? or the less to be regarded? What is freer than gift? If a nobleman shall give his servant a farm, to pay a rose or peppercorn for an acknowledgment, his title is as strong as if he bought it with his money. But the Observer deals with his Majesty, as some others do with God Almighty in point of merit; they will not take Heaven as a free gift, but challenge it as purchasers. In a word, the author of these Observations would insinuate some difference betwixt our kings and the kings of Israel, or some of them who had immediate vocation; wherein he would deceive us, or deceiveth himself; for their request to Samuel was, "Make us a king to judge us like all other nations."

1 Sam. viii. 5.

SECTION THE FOURTH.

Observ.—"Power is originally inherent in the people; and it is nothing else but that might and vigour, which such or such a society of men contains in itself: and when by such or such a law, of common consent and agreement, it is derived into such and such hands, God confirms that law: and so man is the free and voluntary author, the law is the instrument, and God is the establisher of both. And we see, not that prince which is most potent *over* his subjects, but that prince which is most potent *in* his subjects, is indeed most truly potent; for a king of one small city, if he be entrusted with a large prerogative, may be said to be more potent over his subjects, than a king of many great regions, whose prerogative is more limited: and yet, in true reality of power, that king is most great and glorious, which hath the most and strongest subjects, and not he which tramples upon the most contemptible vassals. This is therefore a great and fond error in some princes, to strive more to be great over their people than in their people, and to eclipse themselves by impoverishing, rather than to magnify themselves by enfranchising, their subjects. This we see in France at this day; for were the peasants there more free, they would be more rich and magnanimous; and were they so, their king were more puissant; but now, by affecting an

adulterate power over his subjects, the king there loses a true power in his subjects, embracing a cloud instead of Juno[c]." Discourse II.

Answ.—It hath ever been the wisdom of governors, to conceal from the promiscuous multitude its own strength; and that rather for the behoof of themselves than of their rulers. Those beasts which are of a gentle and tractable disposition, live sociably among themselves, and are cherished by man; whereas those that are of a more wild and untameable nature, live in continual persecution and fear of others, of themselves. But of late it is become the masterpiece of our modern incendiaries, to magnify the power of the people, to break open this cabinet of state, to prick forward the heady and raging multitude with fictitious devices of 'bulls and minotaurs.' And all this with as much sincerity as Corah, Dathan, and Abiram said to Moses and Aaron, "You take too much on you, seeing all the congregation are holy." I desire the Observer, at his leisure, to read Plato's description of an Athenian sophister[d]; and he shall find himself personated to the life, that one egg is not liker another; if the coat fit him, let him put it on. The Scripture phraseth this to be "troubling" of a Church, or of a state: it is a metaphor taken from a vessel wherein is liquor of several parts, some more thick, others more subtle, which by shaking together is disordered, and the dregs and residence is lifted up from the bottom to the top. The Observer hath learned how to take cels; it is their own rule,—they that would alter the government, must first "trouble" the state.

[1. Power inherent in the people, a favourite doctrine of the Observator's friends.]

Numb. xvi. 3, 10.

1 Kings xviii. 17, and Gal. v. [10.]

Secondly, '*posito sed non concesso*'—admitting but not granting, that power is originally inherent in the people, what is this to us, who have an excellent form of government established, and have divested ourselves of this power? Can we play fast and loose, and resume it again at our pleasure? Lesbia was free to choose herself a husband when she was a maid; may she therefore do it when she is a wife? Admitting that his Majesty were elected in his predecessors, yea, or in his own person for him and his heirs, is this power therefore either the less absolute or less perpetual? Admit-

[2. Though it were inherent in them originally, yet with us compact has superseded the original right.]

[c] [Observations, &c., pp. 1, 2.] [d] Plato, De Republ., lib. vi. [c. 7.]

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ting that before election we had power to covenant, yea, or condition, by what laws we would be governed, had we therefore power to condition that they should be no longer laws than they listed us? This were to make our sovereign, not a great and glorious king, but a plain Christmas lord. Or have 530
we therefore power still to raise arms to alter the laws by force, without sovereign authority? This seems to be the Observer's main scope, but the conclusion is so odious (as which hath ever been confessed treason), and the consequence so miserably weak, that he is glad to deal altogether enthymematically.

[3. Power not from the people.]

Thirdly, admitting and granting, that the last exercise or execution of power, that is, the '*posse comitatus*' or '*regni*,' is in the people, is the right also in the people or from the people? Excuse us, if we rather give credit to our Saviour, —"Thou couldest have no power at all against Me, except it were given thee from above." If Pilate had his power from Heaven, we may conclude strongly for King Charles. '*Nil dat quod non habet.*' Some power the people '*qua talis*' never had; as power of life and death; it is the peculiar right of God and His vicegerents. Put the case, the king grants to a corporation such and such magistrates, with power also to them to elect new magistrates (which yet holds but sometimes), from whom do those magistrates hold their power? Not from the people, who elect them, but from the king, who creates them.

John xix. 11.

[4. Powerful *and dutiful* subjects make a powerful prince.]

Fourthly, you tell us, that the power of a king is to have powerful subjects; and to be powerful *in* his subjects, not to be powerful *over* his subjects. Your reason halts, because it wants a '*cæteris paribus.*' Several kings may have several advantages of greatness. The truth is, neither many powerful subjects without obedience, nor forced obedience without powerful and loving subjects, do make a great and glorious king; but the concatenation of superiors and inferiors in the adamantine bonds of love and duty. When subjects are affected, as Scillurus would have his sons for concord[e], as Scipio had his soldiers for obedience[f], which they prized above their lives, being ready to throw themselves from a

[e] [Plut., De Garrul., § 17, Op. Moral., tom. iii. p. 41. ed. Wyttenb.]

[f] [Id., Apophth. Reg. &c., Scip. Min. num. 16, ibid. tom. i. p. 559.]

tower into the sea at their general's command, this is both to be great in subjects and over them. The greatest victories, the greatest monarchies, are indebted for themselves to this lowly beginning of obedience. It is not to be a king of kings, nor a king of slaves, nor a king of devils (you may remember to whom that was applied), but to be the king of hearts, and hands, and subjects, of many rich, loving, and dutiful subjects, that makes a powerful prince. As for the present puissance of France, can you tell in what king's reign it was greater since Charlemagne? Nevertheless, admitting that "the peasants" in France (as you are pleased to call them) suffer much, yet nothing near so much as they have done in seditious times, when civil wars raged among them (when their kings had less power over them), which is our case now. God bless us from tyranny, but more from sedition. If the subjects of France be "peasants," and the subjects of Germany be princes, God send us Englishmen to keep a mean between both extremes; which our forefathers found most expedient for all parties.

[Matt. ix. 34, &c.]

SECTION THE FIFTH.

Observ.—"But thus we see, that power is but secondary and derivative in princes; the fountain and efficient cause is the people: and from hence the inference is just, the king though he be '*singulis major*,' yet is he '*universis minor*[g];' for if the people be the true efficient cause of power, it is a rule in nature, '*quicquid efficit tale est magis tale.*' And hence it appears, that at the founding of authorities, when the consent of societies conveys rule into such and such hands, it may ordain what conditions and prefix what bounds it pleases, and that no dissolution ought to be thereof but by the same power by which it had its constitution[h]."

Answ.—Thus we see your premisses are weak and naught, your argument proceeds from the staff to the corner, and your whole discourse is a rope of sand.

First, your groundwork (that "the people is the fountain and efficient of power") totters, and is not universally true.

[The king greater than the people collectively as well as singly.]

[g] [From Languet, Vindic. Cont. Tyrann., Qu. iii. p. 276, &c., in fin. Machiav. Princ. ed. 1648.]

[h] [Observations &c., p. 2.]

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Power in the abstract is not at all, power in the concrete is but sometimes, from the people; which is rather the application of power than power itself. Next, your inference from hence, which in this place you call "just," and a little after say, that "nothing is more known or assented unto[i]," that the king is "*singulis major* but *universis minor*"—greater than any of his subjects singly considered but less than the whole collected body,—is neither just nor known nor assented unto, unless in that body you include his Majesty as a principal member. And yet, if that should be granted you, before it would do you any good, these "*universi*," or this whole body, must be reduced to the major or greater part, and this diffused and essential body must be contracted to a 531
representative body (unless we may believe your new learning, that the essential and representative body are both one). But waving all these advantages, tell me, Sir, might you be persuaded to follow Lycurgus his advice, to try this discipline at home, before you offer it to the commonwealth[j]? Could you be contented, that all your servants together or the major part of them had power to turn you out of your mastership, and place your steward in your room; or your children in like case depose you from your fatherhood? No, I warrant you; the case would soon be altered. And when the greatest part of the sheep dislike their shepherd, must he presently put up his pipes and be packing? Take heed what you do; for if the people be greater than the king, it is no more a monarchy but a democracy. Hitherto the Christian world hath believed, that the king is "*post Deum secundus*[k]"—"the next to God;" "*solo Deo minor*[l]"—"only less than God," no person, no body politic between; that he is "*vicarius Dei*[m]"—"God's vicegerent." The Scriptures say, that kings reign not over persons but nations, that kings were anointed over "Israel," not Israelites only. Saul is called "the head of the tribes of Israel." Our laws are plain. We have all sworn[n], that "the king's highness is the only supreme head;"—if "supreme," then not subordinate; if

[Both by Scripture and law.]

1 Sam. xv. 17.

[i] [Ibid., p. 8.]

[j] [Plut., in V. Lycurgi, p. 111. tom. i. ed. Bryant.]

[k] [Tertull., Ad Scap., c. 2, Op. p. 86. A; and see his Apol. c. 30, Op. p. 30. A.]

[l] [Id., ibid.]

[m] [E. g. Bracton, De Legg. et Consuet. Angl., lib. i. De Rer. Divis. c. 8. fol. 5, 6. ed. 1569.—&c.]

[n] [Viz. in the Oath of Supremacy.]

"only supreme," then not co-ordinate;—"and governor of this realm:"—his highness is "supreme governor," that is, in his person, in his chamber, as well as in his court; the ancient courts of England were no other than the king's very chamber, and moveable with him from place to place; whence they have their name of courts; "supreme governor of this realm" collectively, and not only of particular and individual subjects;—"in all causes and over all persons,"—then in Parliament and out of Parliament; Parliaments do not always sit; many causes are heard, many persons questioned, many oaths of allegiance administered, between Parliament and Parliament. The same oath binds us to "defend him against all conspiracies and attempts whatsoever, which shall be made against his person or crown;"—to *de*fend him, much more therefore not to *of*fend him;—"against all conspiracies and attempts whatsoever;"—that oath which binds us "to defend him against all attempts whatsoever," presupposeth that no attempt against him can be justified by law, whether these attempts be against his person or his crown. It will not serve the turn to distinguish between his "person" and his "office;" for both the person and the office are included in the oath. Let every subject lay his hand upon his heart, and compare his actions with this oath in the fear of God. When the great representative body of Parliament are assembled, they are yet but his great council, not commanders. He calls them, he dissolves them; they do not choose so much as a speaker without his approbation; and when he is chosen, he prays his Majesty to interpose his authority, and command them to proceed to a second choice, '*plane propter modestiam, sed nunquid contra veritatem?*' The speaker's first request is for the liberties and privileges of the house; his Majesty is the fountain from which they flow. When they, even both houses, do speak to him, it is not by way of mandate, but humble petition; as thus,—"Most humbly beseech your most excellent Majesty, your faithful and obedient subjects, the Lords Spiritual and Temporal and Commons in Parliament assembled,"—or thus,—"We your Majesty's loving, faithful, and obedient subjects, representing the three estates of your realm of England," &c., "except we should over-

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much forget our duties to your highness," &c., "do most humbly beseech," &c.[o] Here the three estates of the kingdom assembled in Parliament do acknowledge their 'subjection' and their "duty," do "beseech her Majesty:" where, by the way, I desire to know of the Observer, whether that of the three estates were a fundamental constitution of this kingdom, and who were the three estates at this time, and whether a third estate have not been since excluded. Howsoever, we see they do but "*rogare legem*"—"pray a law;" the king enacts it; and as he "wills" or "takes time to advise," so their acts are binding or not binding. They challenge no dispensative power above the law; he doth. In a word, he is the head, not only of the hand or of the foot, but of the whole body. These things are so evident, that all our laws must be burned before this truth can be doubted of. But to stop the Observer's mouth for ever, take an authentic testimony in the very case point blank;—"By divers old authentic histories and chronicles it is manifestly declared, that this realm of England is an empire, and so hath been accepted in the world, governed by one supreme head and king, having the dignity and royal estate of the imperial crown 532
of the same, unto whom a body politic compact of all sorts and degrees of people, divided into terms, and by names of spiritualty and temporalty, being bounden and owen [to bear] next to God a natural and humble obedience, he being instituted and furnished by the goodness and sufferance of Almighty God with plenary, whole, and entire power, preeminence, authority," &c.[p] Now, Sir, observe, first, that not only individual persons, but the whole "compacted body politic" of the kingdom, are not only less than his Majesty, but do "owe" unto him "a natural and humble obedience" (how far is this from that Majesty, which you ascribe to the representative body?); secondly, that "the spiritualty" were ever an essential part of this "body politic;" thirdly, that his Majesty's power is "plenary;" fourthly, that he derives it not from inferior compacts, but from "the goodness of God." It is true, were his Majesty as the Prince of Orange is, or you would have him to be, not a true possessor of

[o] 30 Eliz. [29 Eliz. Nov. 25, 1586. 382.] See D'Ewes, Parliam. Journ., pp. 380—

[p] 24 Hen. VIII. c. 12. [§ 1.]

sovereign power, but a keeper only, as the Roman dictator, or an arbitrary proctor for the people, your rule had some more show of reason; but against such evident light of truth to ground a contrary assertion, derogatory to his Majesty, upon the private authority of Bracton and Fleta (no authentic authors), were a strange degree of weakness or wilfulness. Especially if we consider, first, upon what a trifling silly homonymy it is grounded,—"*Quia comites dicuntur quasi socii regis, et qui habent socium habent magistrum*[q]." If he had called them the king's attendants, or subordinate governors of some certain province or county, as the sheriff ("*vice-comes*") was their deputy, there had been something real in it. Secondly, if we consider, that this assertion is as contrary to the Observer's own grounds as it is to truth, for what they (Bracton and Fleta) do appropriate to the House of Lords ("*curiæ comitum et baronum*[r]"), he attributes to the collective body of the whole kingdom, or at the least to both Houses of Parliament: that is far from the Observer's meaning, and nothing to the purpose. This catachrestical and extravagant expression, with the amphibological ground of it, is either confuted or expounded by the authors themselves: as saying, "The king hath no peer[s]," therefore no "companion;" that he is "*vicarius Dei*"—"God's vicegerent[t];" that he is not "*sub homine*"—"under man[u]." And if the words have any grain of truth in them, they must be understood, not of an authoritative, but only of a consultive power,—to advise him; or at the most approbative,—to give their assent to laws propounded, he having limited himself to make no laws without them. So we may say a man's promise is his master. As if a man should say, that the judges in the House of Peers, who have no votes but are mere assistants, yet in determining controversies in point of law are in some sort superior to the lords; not in power, which they have none, but in skill and respect of that dependance, which the lords may have, upon their judgment and integrity.

[q] [Bracton, De Legg. et Consuet. Angl., lib. ii. De Acquir. Rer. Domin. c. 16. fol. 34 a:—and similarly Fleta, seu Comment. Juris Angl. sub Edv. I. ab anonymo conscript., lib. i. c. 17. § 9, p. 17. ed. Seld. 1647.]

[r] [Idem, ibid.]

[s] [Bracton, ibid. lib. i. De Rer. Divis. c. 8. fol. 5. b.; and Fleta, as before quoted § 6.]

[t] [Bracton, ibid.—Fleta, ibid. § 3.]

[u] [Bract., ibid.]

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[The Observator's argument to the contrary fails.]

Neither will your logical axiom, "*quicquid efficit tale est magis tale*," help you any thing at all; for, first, your "*quicquid efficit*" must be "*quando efficit.*" If a cause have sufficient vigour and efficacy at such a time as the effect is produced, it is not necessary that it should retain it for ever after, or that the people should retain that power which they have divested themselves of by election of another. To take your case at the best, they have put the staff out of their own hands, and cannot without rebellion and sin against God undo what they have done. Secondly, for your "*magis tale*," there is a caution in this canon, that the same quality must be both in the cause and in the effect; which yet is not always; not in this very case: it must be in causes total, essential, and univocal; such as this is not. The sun is the cause of heat, yet it is not hot itself; "*sol et homo generant hominem viventem*," yet the sun lives not. If two litigants consent to license a third person to name another for arbitrator between them, he may elect a judge, not be a judge. Yet I shall not deny you any truth; when and where the antecedent consent of free societies, not pre-engaged, doth instrumentally confer and convey (or rather apply) power and authority into the hands of one or more, they may limit it to what term they please, by what covenants they please, to what conditions they please, at such time as they make their election; yet covenants and conditions differ much, which you seem to confound (breach of covenant will not forfeit a lease, much less an empire). I have seen many covenants between kings and their people, sometimes of debt, 533
and many times of grace; but I do not remember that ever I read any conditions, but with some old elective kings of Arragon[x] (if they were kings), long since antiquated, and one only king of Polonia[y].

[Dissolution of sovereignty not in the power of the subject.]

You add, and truly, that there "ought to be no dissolution of sovereignty but by the same power by which it had its constitution," wherein God had His share at least; but this will not serve your turn. If you dare speak out plainly, tell

[x] [See Robertson's Charles V, Introd. sect. iii. vol. iii. pp. 145, 146. 8vo. edit.]

[y] [Express "pacta conventa" (so called) were customarily exacted from the king upon his election under the old Polish monarchy (Univ. Hist., vol. xii. pp. 427, 428). Possibly Bramhall alludes to the election of Henri de Valois in 1573, from whom some extraordinary conditions were demanded (ibid., p. 192).]

us, when a king is constituted by right of conquest and long succession, yea, or by the election of a free people, without any condition of forfeiture or power of revocation reserved (as the Capuans gave themselves to the Romans[z]), and so according to your position it is "established by God," can the people or the major part without gross treason attempt to dethrone this king, or send him a writ of ease? They that are so zealous in religion to have every thing ordered according to the express Word of God, let them shew but one text, where ever God did give this power to subjects, to reduce their sovereigns to order by arms. If this were so, kings were in a miserable condition. Consider the present estate of Christendom; what king hath not subjects of sundry communions and professions in point of religion? Upon these men's grounds he must be a tyrant to one party or more. Moses seemed a tyrant to Korah and his rebellious company. [Numb. xvi. 12—14.] Queen Elizabeth and King James did seem tyrants to Squire[a], Parry[b], Sommerville[c], and the Powder-traitors. Lycurgus, of whom Apollo once doubted whether he should be numbered among the gods or men, was well near stoned, and had his eyes put out, in a popular tumult[d]. Thus Barabbas may be absolved and the King of kings condemned. [Luke xxii. 18—25.] What devilish plots would this doctrine presently raise, if it were received! What murders and assassinates would it usher into the world! especially considering, that the worst men are most commonly active in this kind, to whom nothing doth more discommend a king than his justice.

SECTION THE SIXTH.

Observ.—"As for the final cause of regal authority, I do not find any thing in the king's papers denying, that the same people is the final which is the efficient cause of it; and indeed it were strange, if the people, in subjecting itself to command, should aim at any thing but their own good in the

[z] [Tit. Liv., vii. 31.]

[a] [See Camden, Annal. Eliz., P. iv. pp. 726, 727. in an. 1598. ed. Elzev. 1639.]

[b] [Id., ibid. P. iii. p. 394. in an. 1585.]

[c] [Id., ibid. p. 370. in an. 1583.]

[d] [Plut. in V. Lycurg., tom. i. pp. 90, 98. ed. Bryant;—Apophth. Lacon., Lycurg. num. 7, Op. Moral. tom. i. p. 633. ed. Wyttenb.]

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first and last place. 'Tis true, according to Machiavel's politics, princes ought to aim at greatness, not in, but over, their subjects; and for the achieving of the same, they ought to propose to themselves no greater good than the spoiling and breaking the spirits of their subjects, nor no greater mischief than common freedom, neither ought they to promote and cherish any servants but such as are most fit for rapine and oppression, nor depress and prosecute any as enemies but such as are gracious with the populacy for noble and gallant acts[e]." And a little after, "His dignity was erected to preserve the commonalty, the commonalty was not created for his service, and that which is the end, is far more valuable in nature and policy, than that which is the means[f]."

[Of the final cause of government.]

Answ.—Still this discourse runs upon elective kingdoms: as for those which have had other originals, here is a deep silence. "*Scis tu simulare cupressum, quid hoc*[g]*?*"—"you can paint a cypress tree, but what is this to the purpose?" Let it be admitted, that in such monarchies the aim of the people is their own protection, concord, and tranquillity;—

Rom. xiii. 4.

rulers "are the ministers of God for" our "good;"—so, on

1 Cor. ix. 7.

the other side, sovereign princes have their ends also,—"Who feedeth a flock, and eateth not of the milk thereof?" So there are mutual ends; and these ends on both sides are lawful and good, so long as they are consonant to the rules of justice. And though prince and people do principally intend their own respective good, yet it were folly to imagine to attain to such high ends, of such consequence and concernment, without the mixture of some dangers, difficulties, troubles, and inconveniences. As St. Ambrose saith, that since the fall of Adam, thorns often grow without roses, but no true roses without thorns[h]. We must take the rose with the thorn, the one with the other, in good part, for better for worse. "*Fructus transit cum onere*"—"the benefit passeth with the burden." If we can purchase tranquillity, which we intend, with obedience and subjection, which we

[e] [Observations, &c., p. 2.]
[f] [Ibid., p. 3.]
[g] [Horat., A. P., 20, 21.]
[h] [Ambros., Hexaem., lib. iii. c. 11; Op. tom. i. p. 51. C—E.]

must undergo, we have no cause to complain of the bargain. It is a most wretched government, where one real suffering is not compensated with ten benefits and blessings. DISCOURSE II.

Again, this public good of the people, is (to use your own phrase) either *singulorum* or *universorum*, public or private, of particular subjects or of the whole commonwealth. How-soever the actual intentions of individual members of a society may aim at the private, yet, when these two are inconsistent (as sometimes it falls out), a good governor must prefer the public; and particular members must not grumble to suffer for the general good of the body politic. [Private good must yield to public.] 534

But you say, the end is far more honourable than the means, and the preservation of the commonalty is the end of regal dignity. True, but this preservation must be understood *sub modo*, according to law; which is not alterable at the discretion of humourous men, but with the concurrence both of king and subjects. Likewise this is to be understood, where the ends are not mutual (as here they are), the king for the people, and the people for the king; and where the end is not partial but adequate (as this is not). Lastly, the end is more valuable; how? '*Qua finis*'—'as it is the end' in the intention of the efficient, not always in the nature of the things. If the Observer had argued thus,—the public tranquillity of king and people is the end of government, therefore more valuable,—his inference had been good; but as he argues now, it is a mere paralogism: which I will clear by some instances. The tutor is elected for the preservation of his pupil, yet the pupil '*qua talis*' is less honourable. The Angels are "ministering spirits" for the good of mankind; are men therefore more honourable than Angels? The redemption of the world is the end of Christ's Incarnation; is the world therefore more excellent than Christ? [The end not necessarily more honourable than the means.] [Heb. i. 14.]

Whether the Observer cite Machiavel true or false, I neither know nor regard. Such a character might fit Cæsar Borgia, a new intruder; but not King Charles; who derives his royalty from above a hundred kingly predecessors[1], whom malice itself cannot charge with one drop of guiltless blood, nor with the tear of an innocent; such a prince as Vespasian, of whom it is said, that "*justis suppliciis illachri-* [Machiavel.]

[1] [See above in the Answ. to La Millet., vol. i. p. 74, Disc. i. Pt. i.]

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mavit et ingemuit[j]." But I offer two issues to the Observer out of these words of Machiavel, if he please to accept the challenge. First, that more noble worthies have been crushed to nothing by the insolency of the people (proportion for proportion), than by the power of kings; as in Athens, for instance, Socrates, Aristides, Themistocles, Alcibiades, and many more. The second, that gallant and virtuous actions do not more often ingratiate men with the people, than a rolling tongue, a precipitate head, vain-glorious profusion, oily insinuations, feigned devotions, sufferings (though deserved) from superiors, and above all opposition to the present state. So that he that is a favourite to the king, is '*ipso facto*' hated by the people or the major part; and to be slighted by the prince is frequently a ready way to
Acts v. 37. be honoured by the people. Judas of Galilee was a great favourite of the commons; how did he endear himself? by seditious orations. Who more popular than Simon Ma-
Acts viii. 9. 10. gus? "τις μέγας"—"some great one;" and this only with
2 Sam. xv. [1—6.] juggling. When Absalom sought to ingratiate himself with the vulgar, what course did he take? to be more eminent in virtue? no such thing; but ostentation, lying, flattery, and traducing the present state. Who hath not heard, how Pisistratus and Dionysius, two execrable tyrants, did cut and slash themselves, and persuaded the credulous multitude how it was done by the malignants for their zeal to the commonwealth, till by these arts they had first gotten a guard allowed for themselves, and after invaded the government[k].

SECTION THE SEVENTH.

Observ.—"To be '*deliciæ humani generis*[l]' is grown sordid with princes; to be public torments and carnificines, and to plot against those subjects whom by nature they ought to protect, is held Cæsar-like; and therefore bloody Borgia by mere treachery and cruelty hath gotten room in the calendar of witty and of spirited heroes. And our English Court of late years hath drunk too much of this state-poison; for either

[j] [Sueton., in Vespas., c. 15.] —Aristot., Rhet., i. 2.]
[k] [Herod. i. 59;—Diod. Sic., xiii. 95. [l] [Sueton., in Tito, c. 1.]

we have seen favourites raised to poll the people, and razed again to pacify the people; or else (which is worse for king and people too) we have seen engines of mischief preserved against the people, and upheld against law, merely that mischief might not want encouragement[m]."

Answ.—"Curse not the king" (saith the wise man), "no, not in thy thought."—"Thou shalt not revile the gods, nor speak evil of the ruler of thy people." Two Apostles bear record, that there cannot be a surer note of a schismatic, than
535 to "despise dominion, and speak evil of dignities." Evil language against a sovereign prince hath ever been reputed an injury to all his subjects; but this age hath hatched such vipers, which dare, not only like some Rabshakeh rail against some foreign prince, but cast dirt in the face of their natural lord; as if they were the 'colts of a wild ass in the wilderness,' subject to no man, accountable to no man; and that, not only in thought, which Solomon disliked, or in word, which God did forbid, but even to make the press groan under daily bundles of lies and slanders and fictitious fables. I say the press, which hath been ever esteemed a peculiar privilege of supreme majesty. Nay, one king is not an object worthy of their wrath; but as it is said of Julian, that he sought to destroy both *presbyteros* and *presbyterium*, not priests only, but priesthood itself; so it is not one or two monarchs, but the destruction of monarchy itself, which these men aim at: witness our Observer here, —"To be public torments and carnificines, is held Cæsar-like with princes;"—and one of his friends lately,—"He errs not much who saith, that there is an inbred hatred of the Gospel in all kings, they do not willingly suffer the King of kings to rule in their kingdoms, the Lord hath His among kings, but very few, one perhaps of a hundred[n]." "*Increpet te Deus, Satan.*" The Lord Himself will one day call them to an account for these blasphemies against His anointed. Is this a coal taken from the Altar, or rather from the fire of hell? There is hope our

[The Observator's railing language against the king.] Eccl. x. 20. Exod. xxii. 28. Acts xxiii. 5. 2 Pet. ii. 10. Jude 8. [2 Kings xviii.] [Job xxxix. 5—8. Jer. ii. 24.] [Zechar. iii. 2. Vulg.] [Isai. vi. 6.]

[m] [Observations, &c., p. 3.]
[n] Vindiciæ Philadelphi, [at the end of Didoclavius, i. e. Calderwood, Altare Damascenum, p. 68. 4to. 1623.]

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countrymen will rob the Jesuits shortly of their reputation. Anabaptism hath got it loose, to be the liars' and the rebels' catechism. Sir, lay aside your eye of envy, which cannot endure the beams of majesty, and tell us what it is in King Charles which doth so much offend you. Take Diogenes his lanthorn, and look at noon-day among all his opposers throughout your classes and forms, if you can find one to match or parallel him, for piety towards God, justice towards man, temperance in his diet, truth in his word, chastity in his life, mercy towards the oppressed; yea, take your multiplying glass, and look through his government from end to end, if you can find his crown sprinkled with one drop of innocent blood. He needs not, with Caius the Emperor, assume Mercury's rod, Apollo's bow and arrows, Mars his sword and shield, to make himself resemble God[o]; he hath better ensigns of the Deity. Unhappy we only, because we do not know our own good; that might enjoy a temperate and sweet government, sun-shine days under our own vines and fig-trees, the free profession of true religion, equal administration of justice, peace and plenty, with a daily growth of all arts that may enrich or civilize a nation, under the radicated succession of a princely family. If the Observer's eyes had not been like the old Lamiæ's, to take out and put in at his pleasure, he might have seen a Titus at home, a "darling of mankind."

[No hurt in good favourites.]

But what is the ground of all this great cry? Forsooth we have had "favourites." I do not yet know any hurt in a good favourite; such an one as Joshua was to Moses, or Daniel to Darius, or Mecænas and Agrippa to Augustus, or Craterus and (for any thing I know) Hephestion also to Alexander. Wise men think a well chosen favourite may bring great advantage both to king and people. But I leave the discourse. It is well known, his Majesty is as opposite to favourites as the Observer, and never raised any to that height but they might be opposed and questioned by their fellow-counsellors. But if the Observer have a mind to see some of those favourites (whom he calls pollers, engines of mischief, or monopolists), he may find them moving in

[o] [Sueton., in Caio, c. 52;—Dio Cass., lib. lix. p. 660. ed. Leunclav.]

another sphere. To side with his Majesty is no ready way to impunity. DISCOURSE II.

SECTION THE EIGHTH.

Observ.—"But our king here doth acknowledge it a [p]great business of his coronation-oath to 'protect' us: and I hope under this word 'protect,' he intends not only to shield us from all kind of evil, but to promote us to all kind of political happiness, according to his utmost devoir: and I hope he holds himself bound thereunto, not only by his oath, but also by his very office and by the end of his sovereign dignity. And though all single persons ought to look upon the late bills passed by the king as matters of grace with all thankfulness and humility, yet the king himself, looking upon the whole state, ought to acknowledge, that he cannot merit of it; and that whatsoever he hath granted, if it be for the prosperity of his people (but much more for their ease), it hath proceeded but from [his] mere duty. If Ship-money, if Star-Chamber, if the High Commission, if the votes of
536 Bishops and Popish lords in the Upper House be incon-sistent with the welfare of the kingdom, not only honour but justice itself challenges that they be abolisht. The king ought not to account that a profit or strength to him, which is a loss or wasting to the people: nor ought he to think that perished to him, which is gained to the people: the word 'grace' sounds better in the people's mouth than in his[q]."

Answ.—His Majesty is bound in conscience both by his oath and office, not only to "protect his people committed to his charge in wealth, peace, and godliness," but also to promote their good; but this 'protection' must be according to law, this promotion according to law. Now if a good king, at seasonable and opportune times (so it may not be like the borrowing of a shaft for the hatchet to cut down the great oak, nor like the plucking off one or more feathers out of the eagle's wings, wherewith to feather an arrow to pierce through that king of birds[r]), shall freely, according to the dic- [His Majesty's concessions, of grace, not of duty.] [Communion Service.]

[p] ["*The* great business" &c.]

[q] [Observations &c., p. 3; from the King's Declaration in answer to the third Remonstrance of the Parliament (of May 26, 1642);—in Exact Collect., p. 290.]

[r] [See Æschyl., Myrmidon., Fragment. num. 123. ed. Dindorf.]

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tates of his own reason, part with any of those jewels which do adorn his royal diadem, for the behoof of his subjects, it is an act of grace, not only to individual persons, but to the collected body of his people, and so both Houses have acknowledged it; yet you say it is "mere duty," that both "honour and justice" do "challenge" it from him. It is a strange and unheard of piece of "justice" and "duty," which is without and beyond all law. You say, "the word 'grace' sounds better in the people's mouth than in his." O partiality, how dost thou blind men's eyes! The Observer sees, that "grace" sounds ill in the king's mouth; and yet he doth not or will not see, how ill "duty" and "mere duty" sounds in his own mouth, being a subject, towards his sovereign. The truth is, it is most civil for receivers to relate benefits,—"*sufficit unus huic operi, si vis me loqui, ipse tace*[s],"—but where the receivers forget themselves, yea, deny the favours received (as this Observer doth), it is very comely for the bestowers to supply their defect.

[Of Ship-money, &c.]

Next, to your taking away of Ship-money, Star-chamber, High-Commission, &c., it is an easy thing to take away, but difficult to build up, both in nature and in respect of men's minds, which commonly agree sooner in the destructive part than in the constructive. All the danger is either in exceeding the golden mean (by falling from one extreme to another), or in taking that away, which by correcting and good ordering skill might have been of great use to the body politic. We are glad to be eased of our former burdens; yet we wish with all our hearts, that our present ease may not produce greater mischiefs; that in true real necessities and sudden dangerous exigencies the commonwealth may not be left without a speedy remedy; that if the laws have not sufficiently provided for the suppressing of riots and tumultuous disorders in great men, yet the ordinary subject may not be left without a sanctuary whither to fly from oppression; that in this inundation of sects, which do extremely deform our Church, and disturb the commonwealth, there may be a proper and sure remedy provided before it be too late, and we be forced in vain to dig up Antigonus again out of his grave[t].

[s] [Martial., Epigr. V. liii. 5, 6. "Si vis *ut loquar*," &c.]

[t] [Scil. to escape the tyranny of his successors:—see Plut., in Vitâ Phocion., tom. iv. p. 203. ed. Bryant.]

As for the taking away of Bishops' votes at this time, I do not doubt but that great Council of the kingdom had reasons for it, and may have other reasons (when it pleaseth God) to restore them again. There is much difference betwixt a coercive and a consultive power. No nation yet, that ever I read of, did exclude their religious from their consultations. To make a law perfectly good, piety must concur; and who shall judge what is pious? Shall they first be excluded from all other professions, and then from their own? British Bishops have been of note in great councils, foreign and domestic, these one thousand three hundred and thirty years[u]. It is your own rule,—"*quod omnes tangit ab omnibus tractari debet*[v];" all other professions in the kingdom are capable both of electing and being elected; but for this I do submit, and leave it to time to discover what is good for the kingdom.

[And Bishops' votes in Parliament.]

SECTION THE NINTH.

Observ.—"This directs us then to the transcendent acme of all politiques, to the paramount law, which shall give law to all human laws whatsoever, and that is, '*salus populi.*' The law of prerogative itself is subservient to this law; and were it not conducing thereunto, it were not necessary nor expedient[w].

Answ.—If this author could commit the law of prerogative and this supreme law of '*salus populi*' together, as opposite
537 one to another, he had said something; but he cannot see wood for trees. The same "transcendent acme," which he magnifies, is the law of prerogative itself. Because a general law cannot take notice of the equity of all particular circumstances, nor of the necessity of all particular occurrences, therefore the supreme prince is trusted with this power paramount. That which the law of nature warrants in a private man,—as, in a scathfire, to pull down a neighbour's house to prevent the burning of a city, to cast another man's

[The law of prerogative not contrary to, but grounded upon, the law of '*salus populi.*']

[u] [Scil., since the Council of Arles A.D. 314 (Labb., Concil., tom. i. p. 1430); Serpent-Salve being written in 1643-4.]

[v] [See below p. 387.]

[w] [Observations &c., p. 3.]

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corn overboard in a tempest, to defend himself from thieves in cases where he cannot have recourse to the magistrate, or the suddenness of the danger will admit no formal proceeding in law,—so public necessity doth justify the like actions in a king, where the exigence of the state is apparent. If this power be at any time misemployed, if this trust be violated, yet the abuse of a thing cannot take away the use, and lawful and necessary right, which is grounded upon the universal and perpetual law of '*salus populi*,' which comprehends the good of the sovereign as well as of the subject. But it is now grown into fashion for subjects, without authority, equity, or necessity, to urge this law upon all occasions. '*Salus populi*' is like the fox in Æsop's fables, it is in at every end. Men's persons are imprisoned, their houses plundered, their lands sequestered, their rights violated without the judgment of their peers, contrary to the known law, contrary to the Great Charter; and nothing pretended for this but "the law paramount." Truly Sir, if this be '*salus populi*,'

"Una salus sanis nullam sperare salutem[x]."

A remote jealousy or supposition is no good ground for the exercise of this law; as, to pull down another man's house for fear of a scathfire to come, God knows how or when, perhaps foretold in a prognostication. The dangers must be very visible, before this rule take place; not taken upon trust or an implicit faith, like Scoggin's fiery dragons in the air. All true Englishmen will desire to be governed by their known laws, and not to hear too often of this "paramount law;" the application or misapplication whereof hath been the cause of the past and present distempers of this kingdom. Extraordinary remedies, "like hot waters, may help at a pang, but being too often used, spoil the stomach[y]."

SECTION THE TENTH.

Observ.—"Neither can the right of conquest be pleaded, to acquit princes of that which is due to the people, as the authors and ends of all power: for mere force cannot alter

[x] ["Una salus *victis* nullam sperare salutem." Virg., Æn., ii. 354.]

[y] Sir H. W. [Parallel betw. the Earl of Essex and the Duke of Buckingham, by Sir Henry Wotton; in his Reliquiæ, p. 9. ed. 1651.]

the course of nature, or frustrate the tenor of the law: and if it could, there were more reason why the people might justify force to regain due liberty, than the prince might to subvert the same. And it is a shameful stupidity in any man, to think that our ancestors did not fight more nobly for their free customs and laws, of which the Conqueror and his successors had in part disinherited them by violence and perjury, than they which put them to such conflicts: for it seems unnatural to me, that any nation should be bound to contribute its own inherent puissance, merely to abet tyranny, and support slavery; and to make that which is more excellent a prey, to that which is of less worth. And questionless, a native prince, if mere force be right, may disfranchise his subjects as well as a stranger, if he can frame a sufficient party; and yet we see that this was the foolish sin of Rehoboam, who having deserted and rejected out of an intolerable insolence the strength of ten tribes, ridiculously sought to reduce them again with the strength of two[z]."

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Answ.—This author intends not to halt on one side only in this discourse: "*qui semel verecundiæ limites transiverit, gnaviter impudentem esse oportet*[a]." First, that just conquest in a lawful war acquireth good right of dominion, as well as possession, is so consonant to the universal opinion and practice of all nations, yea, to the infallible and undoubted testimony of Holy Scriptures, that he that denies it may as well affirm,

[1. Just conquest acquireth good right of dominion.]

"Nil intra est oleam, nil extra est in nuce durum[b]."

Force is not mere force, where justice goes hand in hand with it. "*Omnia dat qui justa negat*[c]." Neither is this to "alter the course of nature, or frustrate the tenor of law," but itself is the law of nature and of nations.

Secondly, that subjects, who have not the power of the sword committed to them, after a long time of obedience and lawful succession, after oaths of allegiance, may use force to recover their former liberty, or raise arms to change the

[2. To raise arms to change the laws established is flat rebellion.]

[z] [Observations, &c., pp. 3, 4.]

[a] [Cic., Epist. ad Diversos, lib. v. ep. 12.]

[b] [Hor., Epist., II. i. 31. "Nil extra est in nuce duri."]

[c] [Lucan., Pharsal., i. 349.]

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laws established, is without all contradiction both false and rebellious. "They that are overcome" (saith Josephus most truly), "and have long obeyed, if they seek to shake off the yoke, they do the part of desperate men, not of lovers of liberty[d]." Surely if any liberty might warrant such force, it 538
is the liberty of religion; but Christ never planted His religion in blood. He cooled His disciples' heat with a sharp
Luke ix. 55. redargution, "Ye know not what spirit ye are of." It is better to die innocent than live nocent; as the Thebæan Legion (all Christians of approved valour) answered the bloody emperor Maximian,—"*Cognosce Imperator*"—"know, O emperor, that we are all Christians; we submit our bodies to thy power, but our free souls fly to our Saviour; neither our known courage nor desperation itself hath armed us against thee; . . because we had rather die innocent, than live guilty; . . thou shalt find our hands empty of weapons, but our breasts armed with the Catholic Faith[e]." So, having power to resist, yet they suffered themselves to be cut all in pieces. The Observer is still harping upon tyranny and slavery, to little purpose. He is not presently a tyrant, who hath more power than nature did commit to him; nor he a slave, who hath subjected himself to the dominion of another. That which is done to gain protection or sustenance, or to avoid the evils of sedition, or to perform a lawful engagement, is not "merely" done "to abet tyranny and support slavery."

[3. Of the barons' wars.]

Thirdly, to the Observer's instance of our ancestors in the barons' wars, I know not whether wars he intends, the former or the latter, or both. This is certain, no party gained by them. They proved fatal and destructive, sometimes to the king, sometimes to the barons, sometimes to both, and evermore to the people. And howsoever the name of "free customs and laws" was made use of as a plausible pretence, yet it is evident, that envy, revenge, covetousness, ambition, lust, jealousy, did all act their several parts in them. And if there were any (as I doubt not there were many), who did solely and sincerely aim at the public good, yet it cannot be denied, there was too much stiffness and animosity on both sides. A little yielding and bending is better than breaking outright; and

[d] [De Bello Jud., lib. v. c. 9. tom. ii. p. 1240. ed. Huds.]

[e] [Eucher., ap. Surium, Vit. Sanctor., 22 Sept. tom. iii. p. 222. ed. 1618.]

more especially conscience requires it of them who are subjects, and of them who contend for an alteration. Pliny relates a story of two goats, that met in the midst of a narrow plank, over a swift current: there was no room for one to pass by another; neither could turn backward; they could not fight it out for the way but with certain peril of drowning them both; that which only remained, was, that the one couching on the plank made a bridge for the other to go over, and so both were saved[f]. But the subject is so direful and tragical, and the remembrance of those times so odious to all good men, that I pass by it, as not much material to the question in hand. Both parties are dead, and have made their accounts to God, and know long since whether they did well or ill; neither can their example either justify or condemn our actions. It is probable there were some Shebas, [2 Sam. xx.] trumpeters of sedition, in those days, as this author proves himself now: yet none so apt as these Catalines to cry out against incendiaries. It is a good wish of Saravia, that such seditious authors "might ever be placed in the front of the battle[g]." Yet thus far the author's ingenuity doth lead him, to distinguish the barons then from his Majesty's opposites now: the barons then fought for their laws, not to change the laws and alter the government both in Church and commonwealth; which was the very case of the Lincolnshire, Yorkshire, and Northern rebels in the days of Henry the Eighth and Queen Elizabeth; I wish none of his Majesty's subjects were involved in it at this present.

Fourthly, whereas he urgeth that "a native prince may disfranchise his subjects by force, if he can make a party, as well as strangers;" either he intends that he may do it *de facto;* that is true;—so may a thief take away an honest man's purse;—or else he may do it *de jure,* lawfully and conscionably; that is most untrue; there is a vast difference betwixt a just war, and an unjust oppression. His instance of Rehoboam is quite beside the cushion: his error was threatening and indiscretion; the fault they found was with Solomon,—"Thy father hath made our yoke grievous;" and yet it is most certain, they never had so gracious, so happy a

[4. A prince has no right to disfranchise his subjects by force.]

[1 Kings xii. 4.]

[f] [Nat. Hist., lib. viii. c. 76.]

[g] [De Imperandi Authoritate et Christ. Obedientiâ, in Epist., Op. p. 110. ed. 1611.]

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reign as Solomon's was, for peace and plenty, who made
1 Kings x. 27. 'silver as plentiful as stones, and cedars as sycamores, in Jerusalem.' So unthankful we are naturally, so soon
[Esther v. 13] troubled with trivial matters, as Haman was, and like flies feed upon sores, leaving the whole body which is sound. This is sure; that against Rehoboam was a meditated rebel-
1 Kings xii. 1, 3. lion; witness the place chosen, Shechem, in the midst of 539 the faction; witness their prolocutor Jeroboam, a seditious fugitive, and ungrateful servant of Solomon, by whom he had been preferred; they sent for him out of Egypt. And howsoever the author makes Rehoboam's attempt "ridiculous," yet it proved not so shortly after; his son Abijah discomfited
2 Chron. xiii. 17. Jeroboam, and slew of his soldiers five hundred thousand men, the greatest number that we have read of slain at once; yet had Jeroboam all the advantages in the world, of numbers, stratagems, and every thing except the justice of the cause. And that which is more for our learning, the house of Judah had many pious and virtuous kings after this revolt, but the house of Israel not one but tyrants and idolaters.

SECTION THE ELEVENTH.

Observ.—"I come now from the cause which conveys royalty, and that for which it is conveyed, to the nature of the conveyance. The word 'trust' is frequent in the king's papers; and therefore I conceive that the king does admit, that his interest in the crown is not absolute, or by a mere donation of the people, but in part conditionate and fiduciary. And indeed all good princes, without any express contract betwixt them and their subjects, have acknowledged that there did lie a great and high trust upon them; nay, heathen princes, that have been absolute, have acknowledged themselves servants to the public, and born for that service, and professed that they would manage the public weal as being well satisfied '*populi rem esse non suam.*' And we cannot imagine in the fury of war (when laws have the least vigour), that any generalissimo can be so uncircumscribed in power, but that if he should turn his cannons on his own soldiers, they were *ipso facto* absolved of all obedience and

of all oaths and ties of allegiance whatsoever for that time, and bound by a higher duty to seek their own preservation by resistance and defence. Wherefore, if there be such tacit trusts and reservations in all public commands, though of most absolute nature that can be supposed, we cannot but admit, that in all well-formed monarchies, where kingly prerogative has any limits set, this must needs be one necessary condition, that the subject may live safe and free. The charter of nature entitles all subjects of all countries whatsoever to safety by its supreme law[h]."

Answ.—The Observer needs not bring any confessions of princes, Christian or heathen, to prove that good kings account themselves great though glorious servants to their subjects; like a candle burning away itself to give light to others, which a German prince stamped on his coin, with this inscription, "*Aliis serviens meipsum contero.*" Whilst other men slept, Ahasuerosh waked, and thoughts troubled Nebuchadnezzar's head. They have many causes of care, which private persons want.

[His Majesty a servant to his subjects; yet his crown not therefore a donation from the people.] [Esther vi. 1.—Dan. iv. 5.] [אַחַשְׁוֵרוֹשׁ]

"Et patet in curas area lata suas[i]."

Queen Mary said, they would find Calais written in her heart[j]. He is very incredulous, who will not believe readily, that these distractions have pierced deeper into the breast of King Charles than of this Observer; and this, because he knows "*et populi rem esse et suam*[k]." Yet further, his Majesty will acknowledge a trust from his people,—a subsequent and implicit consent implies a trust, but not a gift,—but the inference which this good man (I can neither call him good subject nor good logician) makes from hence, that the king hereby admits, "that his interest in the crown is not absolute, but a mere donation," yea, a "conditional donation from the people," is such a pretty treasonable

[h] [Observations, &c., p. 4.—"that the subject *shall* live" &c.]
[i] [Ovid., Heroid., i. 72.]
[j] [Godwin, Annals, in an. 1558.]
[k] [A saying of Hadrian's:—"Se rempublicam gesturum, ut sciret populi rem esse non propriam." Æl. Spartian., in Vitâ Hadrian.]

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(I should say topical) argument, drawn just from Tenterden steeple to Goodwin sands; confounding God's trust with man's trust; and in man's trust, a trust of donation with a trust of dependance, a trust revocable with a trust irrevocable, a trust absolute with a trust conditional, a trust antecedent with a trust consequent. I hope the author trusts in God; will he therefore make God his donee, yea, his conditionate donee? In plain terms, Sir, your collection is foundered of all four, and will not pass current in Smithfield, and may well take your "generalissimo[1]" by the hand. But, good Sir, without offence may I ask you, what countryman your "generalissimo" was? For no man that I meet with, will believe that there ever was such a creature in the world; but certainly, if there was, he was stark mad. Now, Sir, in the first place, he that shall go about to shake in pieces a healthful and beneficial institution, for fear of such a danger as was never yet produced into act since the creation of the world, deserves the next room in Bedlam to your "generalissimo." These groundless panical fears, these ifs and suppositions of incredible dangers, have been the raisers and fomenters of these present distractions. "*Dic mihi si fias tu leo qualis eris?*" If the sky should fall, what price will larks bear? Secondly, it is a piece both of incivility and knavery, for a servant first to withdraw his obedience from his master undutifully, and then to plead saucily that some masters have been mad. Thirdly, hath a "generalissimo" as large an extent of power in all respects, as unlimited for time, as a sovereign king? When a "generalissimo" runs into such a frantic error, it is fit he should lose his place: but when an hereditary king falls into it, it is just he should have a *prorex* named, a deputy or protector (which you will), during his distraction, always saving the right both to himself and his posterity. I have read such rebellious suppositions as this in late pamphlets; as of a pilot seeking to split his ship upon the rocks, of a patient calling to his physician for poison; but never read one of them urged in a

[1] [This illustration of "the generalissimo" is borrowed, almost *totidem verbis*, from a paper printed in April 1642, just in the crisis of the Militia dispute, entitled "A Question answered, how laws are to be understood and obedience yielded, necessary for the present state of things touching the Militia,"—in the Exact Collect., pp. 150, 151.]

classic author. Put the case, a man is to sail by sea; the pilot may run mad, and seek to split the ship upon rocks; shall we therefore make an ordinance, that it shall not be lawful for a pilot to move his rudder according to the alterable face of heaven, or different disposition of wind and weather, before he have consulted and gained the consent of all the passengers, or at the least of every inferior mariner, or of the major part of them? "*Interea perit naufragus*"—before this can be done, the ship may be cast away; howsoever it leaves small hope of a prosperous voyage. If you will prescribe limits and bounds and conditions to kings, you must find them written in plainer characters than any you produce hitherto. The charter of nature, "*lex nata non data*," is indeed to preserve ourselves; as water contracts itself into a globe or circle in a dusty place; an emblem of association, which cannot be without nerves, bonds, ligaments, laws, and kings. What is this against the magistrate, who is the minister of God for our preservation and safety? "The subject never finds more safety or more liberty than under a gracious king"—"*Neque unquam libertas gratior aut tutior extat quam sub rege pio*[m]."

[Of the "charter of nature," authorizing self-defence.]

But because the Observer doth so often press the charter of nature, even to the dissolving of "all oaths and ties of allegiance," and all mutual compacts and agreements; as also to animate subjects to raise arms against their sovereigns, as a thing that is not only lawful but necessary, to which they are bound "by a higher duty," unless they will be "felonious to themselves and rebellious to nature[n];" that "it is not just nor possible for any nation so far to enslave themselves[o];" and that there are "tacit trusts and reservations in all public commands:"—to give him an answer once for all in this point of resistance.

[1. It is lawful for one man, or a society, to enslave themselves to another.]

1. First, I affirm, though it be nothing to us (who are free subjects), and might well have been omitted by him, as making nought to his purpose, that even by the laws of nature, of nations, and of God, one man, or a society of men,

[m] ["Fallitur egregio quisquis sub principe credit—Servitium. Nunquam libertas gratior extat—Quam sub rege pio. . . . . ." Claudian., in Stilich., Carm. XXIV. 113-115.]

[n] [Observations, &c., p. 8.]

[o] [Ibid.]

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might enslave themselves to another for sustenance or protection. All histories, both sacred and profane, are full of examples; and the law of God is plain. And it seems strange, that the Observer should so far overreach or beat the air to no end at all. This confessed truth quite overthrows his whole structure of "tacit trusts," and "conditions," and "rebellions against nature."

Exod. xxi. 6;—Levit. xxv. 47.—&c.

[2. The law of nature may be limited by the law of the land.]

2. Secondly, to come nearer our own case, I answer, that though the law of nature cannot be destroyed or contradicted, yet it may be limited by the positive laws of the land. And so it is. The Observer will not deny it in his own case, though he mete with another measure to his sovereign. The charter of nature entitles mankind indefinitely to the whole earth;—will the Observer therefore give his neighbour leave to enter as a coparcener into his freehold? I believe not; but would tell him readily there is a new charter made by which he holds it; that is, the law of the land. It is usual with these men to divest men of all due relations, as if it were the same to be a subject and a man. A man '*qua talis*' might do many things, which in a subject [are] flat treason, notwithstanding the charter of nature.

[3. Obedience to superiors enjoined by Scripture.]

[Exod. xiii. 21.]

3. Thirdly, beyond and above both these, there is the law of God, there is the last will and testament of our Saviour, by which we hold our hopes of happiness; which to Christians must be as the pillar of fire to the Israelites, a direction, when to go, where to stay. Here we read of tyrants, and of the sufferings of the Saints, but not a word of any "tacit trusts and reservations," or of any such "rebellion against 541
nature," or dispensation with oaths, nor of any resistance by arms. Certainly there is no one duty more pressed upon Christians by Christ and His Apostles than obedience to superiors. "Give unto Cæsar that which is Cæsar's," saith our Saviour. "Submit yourself to every ordinance of man, for the Lord's sake," saith Saint Peter. "Put them in mind to be subject to principalities and powers," saith Saint Paul; and in that well known place to the Romans, "Let every soul be subject to the higher powers, whosoever resisteth the powers, resisteth the ordinance of God, and they that resist shall receive to themselves damnation." To

[Matt. xxii. 21, &c.] [1 Pet. ii. 13.] [Titus iii. 1.]

[Rom. xiii. 1, 2.]

this evidence of Holy Scripture, for want of one good answer, the Observer hath devised three bad ones,

"Ut quæ non valeant singula, multa juvent[p];"

the clearing of which will help to put an end to the controversy.

[α. The Scriptures specify "the king" as "the highest power."] ["οἱ ἄρχοντες."]

α. First, they say, the Apostle "tells us not which power is highest, but that that power which is the highest ought to be obeyed[q]." A strange evasion; the Apostle elsewhere names these two together, "principalities and powers;" yea, in this very text he expresseth himself, that by "the higher powers" he understands the magistrate, vers. 3;—"him that beareth the sword," vers. 4;—"him to whom tribute is paid," vers. 7: none of all these will agree either to the people or to the senate, but to the supreme magistrate only; which St. Peter tells us, is the king—"whether it be to the king as supreme." 1 Pet. ii. 13.

[β. St. Paul's injunction a precept, not a counsel.]

β. A second evasion is this;—"St. Paul speaks to a few particular dispersed men, and those in a primitive condition, who had no means to provide for their own preservation[r]." It skills not whether he borrowed this from the Jesuit's "*defuerunt vires*[s]"—"they wanted strength;" or of Buchanan,—"*Finge aliquem e nostris doctoribus*"—"Imagine one of our doctors did write to the Christians which live under the Turks, to poor faint-hearted and unarmed men, what other counsel could he give than St. Paul did to the Romans[t]?" Thus they transform a precept into a counsel (I had thought they had allowed no Evangelical or Apostolical counsels); and what the Apostle enjoins to be done "for conscience sake," vers. 5,—under pain of "damnation," vers. 2,—they say is to be done for discretion' sake, under pain of plunder-

[p] ["Sed quæ non prosunt singula, multa juvant." Ovid., Remed. Amor., 420.]

[q] Observat. Defended, page 7. ["Animadversions Animadverted, or a Reply to the late 'Animadversions upon those notes which a late Observator published upon the seven Doctrines and Positions which the king by way of Recapitulation layes open (as) so offensive,'" p. 5. The seven positions intended were extracted by the king from the Third Remonstrance of the Parliament (of May 26, 1642), and set forth in the conclusion of his answer, as containing its most offensive and extravagant doctrines.]

[r] Observat. Defended, page 8. [Ibid. p. 5.—"speaks *of* a few," &c.]

[s] ["Quod si Christiani diu non deposuerunt Neronem et Diocletianum et Julianum Apostatam ac Valentem Arianum et similes, id fuit quia *deerant vires* temporales Christianis." Bellarm., De Roman. Pontif., lib. v. c. 7, Op. tom. i. p. 1067, C.]

[t] Buchan., [De Jure Regni ap. Scotos, pp. 77, 78. ed. 1579.]

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ing. Do not these men deserve well of Christian religion, to infuse such prejudicate conceits into the breasts of monarchs? that Christians are like the frozen snake, which if they take into their bosom, so soon as she is warmed and enlived, they shall be sure to feel her sting for their favours. Let Christians be guiltless, and let the mischief fall upon the heads of the seditious contrivers. That it was not weakness or want of courage, but strength of faith, that kept the primitive Christians quiet under the persecutions of the heathen emperors, Tertullian and the ancients do abundantly witness[u], and it hath been sufficiently cleared by our divines against the Jesuits. This is, as St. Jude saith, to have "men's persons in admiration because of advantage."

verse 16.

[γ. The person of the king distinguished from his authority.]

γ. The third answer, whereupon they do most insist, is, that this subjection is due "to the authority of the king," not to the "person of the king;" that this authority resideth "in his courts and in his laws;" that the power, which St. Paul treateth of, is in truth "the kingly office:" that to "levy force" or to raise arms "against the personal commands of a king, accompanied with his presence," is not "levying war against the king;" but war against his authority, residing in his courts, is war against the king[x]. Yet,—let me give the Observer his due,—he is more favourable to princes than many of his fellows, in this, that he would have the person of his prince inviolable. And good reason; for what can the poor kingdom expect, where the person of the prince is not held sacred, but combustion and confusion? Witness our own civil wars, witness the histories of the Gothish kings, and the Roman emperors from Julius Cæsar to Constantine the Great, being five and forty, whereof thirty perished by untimely deaths, divers of them good princes, and all that while the commonwealth sympathized in the common calamity. No offence can be so great as that it deserves to be punished by parricide. But this is a greater courtesy in show than in deed. If an arrow shot at adven-

[u] [Tertull., Apol. c. 30; Lib. ad Scap., c. 2; Op. pp. 30, 85. And see Taylor's Sermon on the Anniver. of Gunpowder Plot, Works, vol. vi. pp. 611-613; and his Ductor Dubitant., bk. III. c. iii. rules 3, 4, vol. xiii. especially p. 460.]

[x] [Animadversions Animadverted, &c., pp. 6, 8; from Remonstr. of May 26, 1642, in the Exact Collection, &c. p. 267.—and repeatedly in other papers of the same party.]

ture did wound the king of Israel mortally "between the joints of his harness," who shall secure King Charles from a bullet? So all this moderation ends in this, to give the king warning to avoid the field, or otherwise to take what falls at his peril. Discourse II. 1 Kings xxii. 34.

But that I may not deny truth to an adversary, I grant three truths in this answer.

First, that the person and office of a king are distinguish- [i. A good man may be a bad king, and a bad man a good king.]
512 able. A good man may be a bad king; and a bad man a good king. Alexander the Great had his two friends, Hephestion and Craterus; the one was Alexander's friend, the other was the king's friend[y]; the one honoured his person, the other his office; but yet he that loved Alexander did not hate the king, and he that loved the king was no enemy to Alexander.

Secondly, I grant, in active obedience, if the king commands any thing which is repugnant to the law of God or nature, we ought "rather to obey God than men." The guard of Saul refused justly to slay the Priests of the Lord; and Hananiah, Mishael, and Azariah, to worship Nebuchadnezzar's golden image. It is better to die than to do that which is worse than death. "*Da veniam, Imperator,*"— "pardon me, O sovereign, thou threatenest me with prison, but God with hell[z]." In this case it is not lawful to yield active obedience to the king. Again, if the king command any thing which is contrary to the known laws of the land, if it be by an injury to a third person, we may not do it: as for a judge to deliver an unjust sentence; for every judge ought to take an oath at his admission, that he will do right to every person, "notwithstanding the king's letters, or any other person's[a]" (there is danger from others, as well as from the king); and, generally, we owe service to the king, but innocency to Christ. But if this command intrench only upon our own private interest, we may either forbear active obedience, or in discretion remit of our own right, for avoiding further evil. So said St. Ambrose;—"If the Emperor demand our fields, let him take them if he please; I do not [ii. Active obedience against the law of God or of nature, not due to kings.] Acts v. 29. 1 Sam. xxii. 17. [Dan. iii. 16—18.]

[y] [See Plut., Apophth. Reg., in Alexand. num. 29, Op. Moral. tom. i. p. 505, ed. Wyttenb.]

[z] Augustin, [De Verb. Domini, Serm. lxii., tom. v. p. 362, F.]

[a] [The oath of the Justices, being made] Anno 18 Edw. III. Stat. 4, [and Anno Dom. 1344.]

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give them, but withal I do not deny them[b]." Provided always, that this is to be understood in plain cases only, where the law of God, of nature, or the land, is evident to every man's capacity; otherwise, if it be doubtful, it is a rule in case-divinity, "*subditi tenentur in favorem regis et legis judicare.*" "It is better to obey God than man;" but to disobey the king upon surmises, or probable pretences, or an implicit dependence upon other men's judgments, is to disobey both God and man; and this duty (as the Protesters say truly) is "not tied to a king's Christianity, but his crown[c]." Tiberius was no Saint, when Christ bid "give unto Cæsar that which was Cæsar's."

[Acts v. 29.]

[Matt. xxii. 21, &c.]

Thus for active obedience, now for passive. If a sovereign shall persecute his subjects for not doing his unjust commands, yet it is not lawful to resist by raising arms against him; "they that resist shall receive to themselves damnation." But they ask, is there no limitation? I answer, '*ubi lex non distinguit nec nos distinguere debemus;*'—how shall we limit where God hath not limited, or distinguish where He hath not distinguished? But is there no remedy for a Christian in this case? Yes, three remedies.—The first is, to cease from sin. "*Rex bonus est dextra, malus sinistra Dei*"—"a good king is God's right hand, a bad His left hand," a scourge for our sins. As we suffer with patience an unfruitful year, so we must do an evil prince, as sent by God. "*Tollatur culpa, ut cesset tyrannorum plaga*[d]" (said Aquinas)—"remove our sin, and God will take away His rod."—The second remedy is, prayers and tears, "In that day you shall cry unto the Lord because of your king." St. Nazianzen lived under five persecutions, and never knew other remedy: he ascribed the death of Julian to the prayers and tears of the Christians[e]. Jeremy armed the Jews with prayers for Nebuchadnezzar, not with dags and daggers against Nebuchadnezzar. St. Paul commands to "make prayers and supplications for kings," not to give poison to them. St. Peter could have taken vengeance with a word

[Passive obedience due to kings without limitation.]

[Rom. xiii. 2.]

1 Sam. viii. 18.

[Jerem. xxvii.]

[1 Tim. ii. 1, 2.]

[Acts v. 5; xii. 3.]

[b] [Ambros., Epist. xxii. ad Valentin., in Serm. de Basil. Tradend.; Op. tom. ii. p. 872. F.]

[c] [See above p. 315. note f.]

[d] [De Regim. Princip., lib. i. c. 6, in fin.; Op. tom. xvii. p. 163. E.]

[e] [Orat. cont. Julian. ii., Op. tom. i. pp. 123, 124. ed. Paris. 1609.]

as well on Herod as Ananias, but that he knew that God reserves kings for His own tribunal. For this cause St. Ambrose, a man of known courage, refused to make use of the forwardness of the people against Valentinian the emperor[f]. And when Saul had slain the Priests of God and persecuted David, yet, saith David, "who can stretch forth his hand against the Lord's anointed and be guiltless?" It was duty, and not a singular desire of perfection, that held David's hands; "who can stretch out his hand?" no man can do it.—The third remedy is, flight. This is the uttermost which our Master hath allowed; "when they persecute you in one city, fly to another." But a "whole kingdom cannot fly[g];"—neither was a whole kingdom ever persecuted by a lawful prince: private men tasted of Domitian's cruelty, but the provinces were well governed; the raging desires of one man cannot possibly extend to the ruin of all. Nor is this
543 condition so hard for subjects. "This is thank worthy, if a man for conscience towards God endure grief;" and, "If a man suffer as a Christian, let him glorify God on this behalf." This way hath ever proved successful to Christian religion. The blood of the Martyrs is the seed of the Church[h]. "*Cædebantur, torquebantur, urebantur, et tamen multiplicabantur*[i]."

1 Sam. xxvi. 9.

Matt. x. 23.

1 Pet. ii. 19.—iv. 16.

But all these remedies are not sufficient; they are nothing; and they that think otherwise are stupid fellows in the judgment of the Observer; unless the people have right to preserve themselves by force of arms, yea, notwithstanding any contracts that they have made to the contrary; "for every private man may defend himself by force if assaulted, though by the force of a magistrate, or his own father[j]," &c. First, I observe, how the Observer interferes in his discourse; for in the forty-fourth page he telleth us quite contrary,—that "the king as to his own person is not forcibly to be repelled in any ill doing[k]." But passing by this contradiction, I ask two questions of him, by his good leave. The first is, if a father should go about only to correct his child and not to

[Pernicious doctrine of the Observator to the contrary.]

[f] [See Fleury, Hist. Eccl., liv. xviii. § 41, 42.]

[g] [Animadv. Animadverted, p. 7.]

[h] ["Sparsum est semen sanguinis, surrexit seges Ecclesiæ." Aug., Serm. de Verb. Dom. xvii. c. 3, tom. v. p. 118. F. Et alibi passim.]

[i] [Aug., De Civ. Dei, lib. xxii. c. 6. § 1, tom. vii. p. 661. D.]

[j] [Observations, &c.,] pp. [16,] 17.

[k] [Ibid., p. 44.]

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kill him or maim him, whether he might in such a case cry murder, murder, and try masteries with his father, and allege his own judgment against his father's to prove his innocency? My second question is, if an enraged father should offer extreme violence to his son, how far he might resist his father in this case, whether to give blow for blow, and stab for stab, or only to hold his father's hands? For if it be a mere resistance without any further active violence (which is allowable), if it be only in extreme perils where the life is endangered, and against manifest rage and fury: what the Observer gets by this, he may put in his eye and see never the worse. But to give his remedy and his instance for it a positive answer, I say further, that this which he calls a remedy is ten times worse than the disease itself, even such a remedy as the luke-warm blood of infants newly slain is for the leprosy; and in this respect worse, that a leprosy is a disease indeed, but where shall a man almost read in story of a father slaughtering his son? except perhaps some frantic Anabaptist in imitation of Abraham[1]. It will not be difficult to find two sons that have made away their fathers, for one father that hath made away his son, notwithstanding the father's authority. So this case is '*inter raro aut nunquam contingentia*,' and may be reckoned amongst the rest of the Observer's incredible suppositions, which are answered before in the beginning of this section. But if the Observer's doctrine were once received into the world throughly, for one instance of a parricide now, we should hear of a hundred. A mischief is better than an inconvenience; a mischief that happens once in an age, than an inconvenience which is apt to produce a world of mischiefs every day: as where the king is able to make good his party ("*res facile redeunt ad pristinum statum*"); or where foreign princes shall engage themselves, on the behalf of monarchy itself; or perhaps do but watch for an opportunity to seize upon both parties, as the kite did on the frog and the mouse; and howsoever, where ambition, covetousness, envy, newfangledness, schism, shall gain an opportunity to act their mischievous intentions, under the cloak of justice and zeal to the commonwealth.

[1] [Such a story is mentioned in P. du Moulin's Défense de la Relig. Reform. &c. contre la Ligue rebelle d'Angleterre, c. xvi. p. 139.]

We are now, God knows, in this way of cure, which the Observer prescribes. I may say it safely, this kingdom hath suffered more in the trial of this remedy in one year, than it hath done under all the kings and queens of England since the union of the two roses; I think I may enlarge it,—since the Conquest (except only such seditious times). Leave a right to the multitude to rise in arms, as often as they may be persuaded there is danger by the Observer or some such seditious orators for their own ends; and every English subject may write on his door, 'Lord have mercy upon us.' DISCOURSE II.

Thirdly, I do grant, that to levy arms against the authority of the king in the absence of his person is to war against the king; otherwise we should have few treasons. Some desperate ruffian or two or three raggamuffins, sometimes (but rarely) out of revenge, most commonly upon seditious principles, and misled by some factious teachers, may attempt upon the person of the prince; but all grand conspiracies are veiled under the mask of reformation, of removing grievances and evil counsellors. [iii. To levy arms against the king's authority in the absence of his person, is to war against the king.]

"Fallit enim vitium specie virtutis et umbrâ[m]."

I go yet further;—that when a king's person is held cap-
544 tive by force, and his commands are merely extorted from him by duress and fear of further mischief, contrary to the dictate of his own reason (as it was in the case of Henry the Sixth), there his commands are to be esteemed a nullity of no moment, as a forced marriage or a bond sealed '*per minas*.' But where the king hath dominion of his own actions, though he be actually misled, and much more though he be said to be misled, the case is far otherwise.

These three truths with these cautions I do admit in this distinction of the king's person and office.

But yet further, here are sundry rocks to be avoided in it. The first is, not only to distinguish in reason, but actually and in deed to divide, the king's person from his authority; that is, to make the king a Platonical idea without personal subsistence, or as the Familists do make their Christ, a quality and not a man: as if the King of England were nothing but *Carolus Rex* written in court hand, without flesh, blood, or bones. To what purpose then are those significant solemni- [Many errors to be avoided in making this distinction.—i. The king's person and authority not actually divided.]

[m] [Juv., xiv. 109.]

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ties used at the coronation of our kings? Why are they crowned, but to shew their personal and imperial power in military affairs? Why inthroned, but to shew their judiciary supremacy? Why enoiled, but to express their supremacy in matters of religion? That the king's authority may be where his person is not, is most true; that his person may be without authority, is most false. That his office and authority may be limited by law, is true; but a king without personal authority, is a contradiction rather than a king; such a king as the soldiers made of Christ, with "a scarlet robe," a "crown of thorns," a sceptre of "a reed," and a few courtesies and formalities. The person of a bad king is to be honoured for his office' sake;—to what purpose, if his person and his office may be divided? How dull were the primitive Christians, that suffered so much, because they were not capable of this distinction. By this distinction St. Paul might have justified his calling Ananias "whited wall," without pleading that he knew not "that he was God's High Priest," and have told him plainly that he reverenced his office, but for his person and illegal commands, he did not respect them. When Maximian commanded the Christian soldiers to sacrifice to idols, this was an unlawful command; yet they chose rather to be cut in pieces than to resist[n]. When the same Maximian and Dioclesian published a cruel edict at Nicomedia against Christians,—that their churches should be demolished, their Scriptures burned, their apostate servants enfranchised (this was but a personal arbitrary edict),—a principal professor tore it in pieces, and suffered death for it (even in the judgment of his fellow Christians) deservedly[o].

Matt. xxvii. 28, 29.

Acts xxiii. [3, 5.]

[ii. Too great latitude of judgment over their sovereign not to be allowed unto subjects.]

A second danger is, to leave too great a latitude of judgment unto subjects to censure the doings of their sovereign, and too great a liberty, not only to suspend their obedience, but also to oppose his commands, till they be satisfied of the legality thereof; as miserable a condition for princes, as it is pernicious for subjects, and destructive to all societies. A master commands the servant an unjust act in the opinion of the servant, yet the servant must submit or be beaten;

[n] [See above p. 342. note e.]

[o] [Euseb., lib. viii. c. 5.—Nicephor., lib. vii. c. 5. And see Lactant., De Mort. Persecut., c. xiii.]

doth not the master himself owe the same subjection to his prince? The master denies the act is unjust, so doth the prince; who shall be arbiter? It were too much sauciness for a servant to arrogate it to himself; what is it then for a subject? Will a judge give leave to an executioner to reprieve the prisoner, till he be satisfied of the legality of the judge's sentence? A superior may have a just ground for his command, which he is not always bound to discover to his subjects; nor is a subject bound to sift the grounds of his superior's commands. In sum, a subject should neither be '*tanquam scipio in manu*'—'like a staff in a man's hand,' alike apt to all motions; ready to obey his prince, though the act to be done be evidently against the law of God or nature; nor yet, on the other side, so scrupulous as to demur upon all his commands, until he understand the legality and expedience of each circumstance; which perhaps he is not capable of, perhaps reason of state will not permit him to know it. The House of Commons have a close committee, which shews their allowance of an implicit confidence in some cases: yet are they but proctors for the commonalty, whereas the king is a possessor of sovereignty. But it is alleged, that "of two evils the less is to be chosen, it is better to disobey man than God." Rather, of two evils
545 neither is to be chosen; but it is granted, that when two evils are feared, a man should incline to the safer part; now if the king's command be certain, and the other danger but doubtful or disputable, to disobey the certain command for fear of an uncertain or surmised evil, is (as St. Austin saith of some virgins, who drowned themselves for fear of being deflowered) "to fall into a certain crime for fear of an uncertain[p]."

[iii. The king's authority not limited to his courts.]

A third error in this distinction is, to limit the king's authority to his courts. All courts are not of the same antiquity, but some erected long after others, as the Court of Requests. Neither are all justices of the same nature. Some were more eminent than others, that were resident with the king as his council in points of law; these are now the Judges. Others did justice abroad for the ease of the sub-

[p] [See the De Civitate Dei, lib. i. c. 18. § 2, tom. vii. p. 18. C.: and Taylor, Ductor Dubitant., bk. III. c. ii. rule 3, vol. xiii. pp. 336-339, 344.]

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ject; as Justices of Assize, Justices in Eyre, Justices of Over and Terminer, Justices of Peace. The Barons of the Exchequer were anciently Peers of the realm, and do still continue their name. But to exclude the king out of his courts is worse; a strange paradox, and against the grounds of our laws;—"The king alone and no other may and ought to do justice, if he alone were sufficient, as he is bound by his oath[q];" and again, "If our lord the king be not sufficient himself to determine every cause, that his labour may be the lighter, by dividing the burden among more persons, he ought to choose of his own kingdom wise men and fearing God, and of them to make justices[r]." These justices have power by deputation, as delegates to the king. The kings did use to sit personally in their courts. We read of Henry the Fourth and Henry the Fifth, that they used every day for an hour after dinner to receive bills and hear causes[s]: Edward the Fourth sat ordinarily in the King's Bench[t]: Richard the Third (one who knew well enough what belonged to his part) did assume the crown sitting in the same court, saying, "he would take the honour there where the chiefest part of his duty did lie, to minister the laws[u]:" and Henry the Eighth sat personally in Guildhall[x]. The writs of appearance did run, "*Coram me vel justiciariis meis*"—"Before me or my justices[y]." Hence is the name of the King's Bench, and the '*teste*' of that court is still "*teste meipso*"—"witness ourself[y]." If the king be not learned in the laws, he may have learned assistants, as the Peers have in Parliament. A clear and rational head is as requisite to the doing of justice as the profound knowledge of law. It is a part of his oath, "to do to be kept in all his judgments, right justice, in mercy, and truth[z];" was this intended only by substitutes, or by substitutes not accountable to him for injustice? We have sworn, that he is "supreme governor in all causes over all

[q] Bracton, [De Legg. et Consuetud. Angl.] lib. III. [Tract. i. De Action.] c. 9. [fol. 107. a. ed. 1569.]

[r] [Id., ibid.,] c. 10. [fol. 108. a.]

[s] Stow, [Chron. p. 342. ed. 1615.]

[t] [Ibid., p. 416. "In Michaelmas terme King Edward sat three days together in the King's Bench in open court, to understand how his laws were executed."]

[u] [Ibid., p. 459.]

[x] Martin, [Hist. of Kings of Engl., p. 280. ed. 1638: whose words however do not necessarily imply Henry's personal presence.]

[y] [See Cowel, Interp. sub voce Justice of King's Bench, and authorities there referred to.]

[z] [See Collier, Ch. Hist., vol. ii. p. 735.—"to *cause* to be kept."]

persons within his dominions;" is it all one to be a governor, and to name governors? David exhorts, "Be wise now therefore, O ye kings." Moses requires, that the king "read in the book of the law all the days of his life." '*Quorsum perditio hæc*'—'What needs all this expence' of time, if all must be done by substitutes, if he have no authority out of his courts, nor in his courts but by delegation? When Moses by the advice of Jethro deputed subordinate governors under him, when Jehoshaphat placed judges city by city throughout Judah, it was to ease themselves and the people, not to disengage and exinanite themselves of power. It is requisite that his Majesty should be eased of lesser burdens, that he may be conversant '*circa ardua reipublicæ*'—'about great affairs of state,' but so as not to divest his person of his royal authority in the least matters. Where the king is, there is the court; and where the king's authority is present in his person, or in his delegates, there is his court of justice. The reason is plain then, why the king may not control his courts; because they are himself: yet he may command a review, and call his justices to an account. How the Observer will apply this to a court, where neither his Majesty is present in person nor by his delegates, I do not understand.

[Ps. ii. 10.] Deut. xvii. 19.

[Exod. xviii. 13—26.]

2 Chron. xix. [5.]

The fourth and last error is, to tie the hands of the king absolutely to his laws. First, in matters of grace, the king is above his laws. He may grant especial privileges by charter, to what persons, to what corporations he pleaseth, of his abundant grace and mere motion; he may pardon all crimes committed against the law of the land, and all penalties and irregularities imposed by the same: the perpetual custom of this kingdom doth warrant it. All wise men desire to live under such a government, where the prince may with a good conscience dispense with the rigour of the laws. As for
546 those that are otherwise minded, I wish them no other punishment than this, that the penal laws may be executed on them strictly, till they reform their judgments. Secondly, in the acts of regal power and justice, his Majesty may go besides or beyond the ordinary course of law, by his prerogative. New laws for the most part (especially when the king stands in need of subsidies) are an abatement of royal power. The sovereignty of a just conqueror, who comes in without

[iv. Nor tied absolutely to his laws.]

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pactions, is absolute; and bounded only by the laws of God, of nature, and of nations; but after he hath confirmed old laws and customs, or by his charter granted new liberties and immunities to the collective body of his subjects or to any of them, he hath so far remitted of his own right, and cannot in conscience recede from it. I say, in conscience; for though human laws, as they are human, cannot bind the conscience of a subject, and therefore *à fortiori* not of a king, who is the law-giver, yet, by consequence and virtue of the law of God (which saith, "Submit yourselves to every ordinance of man for the Lord's sake," and again, "Thou shalt love thy neighbour as thyself"), they do bind; or, to speak more properly, God's law doth bind the conscience to the observation of them. This is that which divines do use to express thus,—that they have power to bind the conscience "*in se sed non a se*"—"*in* themselves but not *from* themselves," "*non ex authoritate legislatoris sed ex æquitate legis*"—"not from the authority of the law-giver but from the equity of the law[a]." Many who do not grant that to violate the law of man is sin universally, yet in case of contempt or scandal do admit that it is sinful. So then, the laws and customs of the kingdom are limits and bounds to his Majesty's power; but there are not precise laws for each particular occurrence; and even the laws themselves do often leave a latitude and a pre-eminence to his Majesty, not only for circumstances and forms of justice, but even in great and high privileges. These we call the prerogative royal; as, to be the fountain of nobility, to coin money, to create magistrates, to grant protection to his debtors against their creditors, to present to a benefice in the right of his ward, being the youngest coparcener, before the eldest, not to be sued upon an ordinary writ but by petition, and very many others which are beyond the ordinary course of common law, being either branches of absolute power or prerogatives left by the laws themselves[b]. Thirdly, in the case of evident necessity, where the whole commonwealth lies at stake, for the safety of king and kingdom, his Majesty may

[1 Pet. iii. 13.]
[Matt. xxii. 39, &c.]

[a] Field, Of the Church, [bk. iv. c. 33. p. 398: from Stapleton, De Princip. Fidei, Controv. V. Qu. vii. art. 2. ed. 1620.]

[b] [See Bracton, De Legg. et Consuet., lib. i. De Rer. Divis., c. 8; lib. ii. De Acquir. Rer. Dom., c. 24; fol. 5. b, 55. b:—Staunford, Expos. of King's Prerog., Lond. 1573:—Blackstone, bk. i. cc. 6, 7.—&c.]

go against particular laws. For howsoever fancied and pretended invisible dangers have thrust us into real dangers, and unseasonable remedies have produced our present calamities, yet this is certain, that all human laws and particular proprieties must veil and strike top-sail to a true public necessity. This is confessed by the Observer himself every where in this treatise;—that "*salus populi* is the transcendent acme of all politics, the law paramount that gives law to all human laws[c];" and, "particular laws" cannot "act . . contrary to the legislative intent, to be a violation of some more sovereign good introducible, or some extreme and general evil avoidable, which otherwise might swallow up both statutes and all other sanctions[d]." This preservative power the Observer ascribes to the people, that is to say, in his sense, to the Parliament, "in case the king will not join with them[e]" (though we all know a Parliament is not ever ready, nor can be so suddenly called, as is requisite to meet with a sudden mischief); and he thinks it strange, that the king should not "allow to the subject a right to rise in arms for their own necessary defence, without his consent;" and that he should "assume" or challenge "such a share in the legislative power to himself, as that without his concurrence, the Lords and Commons should have no right to make temporary orders for putting the kingdom into a posture of defence[f]." Strange phrases, and unheard of by English ears!—that "the king should join with the people," or assume "a share in the legislative power." Our laws give this honour to the king, that he can "join" or be a "sharer" with no man. Let not the Observer trouble himself about this division. The king, like Solomon's true mother, challengeth the whole child; not a divisible "share," but the very life of the legislative power. The Commons present and pray; the Lords advise and consent; the king enacts. It would be much for the credit of the Observer's desperate cause, if he were able but to
547 shew one such precedent of an ordinance made by Parliament without the king's consent, that was binding to the kingdom in the nature of a law. It is a part of the king's

[1 Kings iii. 26.]

[c] [Observations, &c., p. 3.]
[d] Obs. Defended, p. 4. [Animadv. Animadverted, p. 2.]
[e] [Observations, &c., p. 16.]
[f] [Ibid.]

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oath to protect the laws, to preserve peace to his people; this he cannot do without the power of the kingdom, which he challengeth not as a partner but solely as his own by virtue of his seigniory. So the Parliament itself acknowledged;—"It belongs to the king, and his part it is, through his royal seigniory, straitly to defend force of armour and all other force against his peace, at all times when it shall please him, and to punish them which shall do contrary, according to the laws and usages of the realm;" and that "the prelates, earls, barons, and commonalty," are "bound to aid him as their sovereign lord, at all seasons when need shall be[g]." Here is a Parliament for the king, even in the point. The argument is not drawn, as the Observator sets it down, negatively from authority, or from a maimed and imperfect induction, or from particular premisses to a general conclusion (every one of which is sophistical): as thus, "Such or such a Parliament did not or durst not do this or that, therefore no Parliaments may do it[h];" or thus, "Some Parliaments not comparable to the worthies of this have omitted some good out of supineness or difficulty, therefore all Parliaments must do the same[i]:" but it runs thus;—no Parliaments did ever assume or pretend to any such power; some Parliaments have expressly disclaimed it, and acknowledged that by the law of the land it is a jewel or a flower which belongs to the crown; therefore it is his Majesty's undoubted right, and may not be invaded by any Parliament. Yet further, it were well the Observer would express himself, what he means by "some more sovereign good introducible[k]." The necessity of avoiding ruin, and introducing greater good, is not the same. Dangers often come like torrents suddenly, but good may be introduced at more leisure, and ought not to be brought in but in a lawful manner. We may not "do evil that good may come of it." [Rom. iii. 8.] Take the Observer's two instances:—"When the sea breaks in upon a county, a bank may be made on any man's ground without his consent[l];"—but may they cut away another man's land to make a harbour more safe or commodious,

[g] 7 Edv. Primi. [Stat. 1. Anno Dom. 1279;—the statute set forth in Charles's Proclamation against the Militia, of May 27, 1642.]

[h] Obs. Defended, p. 4. [Animadv. Animadverted, p. 3.]

[i] [Ibid.]

[k] [Ibid., p. 2.]

[l] [Ibid., p. 4.]

without the owner's consent? no;—'A neighbour's house may be pulled down to stop the fury of a scathfire[m];'—but may they pull it down to get a better prospect, or gain a more convenient high-way? no. We desire to know what this "sovereign good introducible" means, and are not willing to be brought into a fool's paradise with general insinuations. Let it appear to be so "sovereign," and we will all become suitors for it. But if it be to alter our religion or our form of government, we hope that was not the end of the Militia. Lastly, when necessity dispenseth with particular laws, the danger must be evident to all, the concurrence general, or as it were general (one or two opponents are no opponents); but where the danger is neither to be seen nor to be named, so uncertain, that it must be voted whether there be any danger or not, or perhaps be created by one or two odd votes, this is no warrant for the practice of that "paramount law" of "*salus populi.*"

[Whether and how far the king is under the law of the land.]

By this which hath been said, we may gather a resolution, whether the king be under the law, and how far; I mean not the law of God or nature, but his own national laws. First, by a voluntary submission of himself;—"*Et quod sub lege esse debet, evidenter apparet, cum sit Dei Vicarius, ad similitudinem Jesu Christi Cujus vices gerit in terris*[n];" but Christ was under the law no otherwise than by voluntary submission. Secondly, the law hath a directive power over kings; and all good kings will follow it, for example' sake to their subjects, for conscience' sake to themselves. Tacitus saith of Vespasian, that being "*antiquo cultu victuque*"—"observing the old customs in his diet and his apparel," he was unto the Romans "*præcipuus adstricti moris auctor*"—"an excellent pattern of frugality[o]." But the law hath no coercive power over him. This (besides his power of pardoning and dispensing) may appear by these two reasons: first, that "no writ lies against him" in law, but the party grieved hath his remedy by petition or "supplication[p];" secondly, that if upon petition he doth not right the wronged party, there

[m] [Ibid.]

[n] Bracton, [De Legg. et Consuet.,] lib. i. [De Rer. Divis.] c. 8. [fol. 5. b. —The words should stand thus, "Et quod sub lege esse debeat, cum sit Dei Vicarius, evidenter apparet ad similitudinem," &c.]

[o] [Annal., iii. 55.]

[p] Bracton. [as quoted in note n.]

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is no course in law to compel him. "*Satis sufficit ei ad pœnam, quod Dominum expectet ultorem*[q];" and elsewhere, [Heb.x.31.] "*incidit in manus Dei viventis*[r]"—"he falls into the hands of the living God," which the Scripture saith is "a fearful thing;" witness Pharaoh, Sennacherib, Nero, Domitian, Dio- [2 Kings xix. 20-37.] 548
clesian, Decius, Aurelian, Julian, &c.; some slain by themselves, some by others, some drowned, some smitten with thunder, some eaten with worms[s]. How seldom tyrants escape punishment even in this world! I see not why the Observer should be so angry, that this doctrine should be "pulpited[t]" (as he phraseth it); or why he should accuse it of flattery. Whether is the greater curb to restrain princes, the fear of man or of God? of temporal only, or of temporal and eternal punishment?

"Si genus humanum et mortalia temnitis arma,
"At sperate Deos memores fandi atque nefandi[u]."

The Observer acknowledgeth as much in effect;—"the king is not accountable for ill done; law hath only a directive, no coercive force upon his person[v]." There is a fourth answer to this text, by distinguishing between private persons and subordinate magistrates[x]; but because the Observer makes no use of it, I pass by it.

SECTION THE TWELFTH.

Observ.—"But freedom indeed hath divers degrees of latitude, and all countries therein do not participate alike, but positive laws must every where assign those degrees. The Charter of England is not strait in privileges to us, neither is the king's oath of small strength to that Charter, for that though it be more precise in the care of canonical privileges, and of Bishops and clergymen (as having been

[q] [Id., ibid. fol. 5. b, 6. a.]

[r] [Id., ibid. lib. ii. De Acquir. Rer. Domin. c. 16, fol. 34. a:—adding, however, "Rex autem habet superiorem, Deum; item legem, per quam factus est rex; item curiam suam, viz. Comites, Barones, quia Comites dicuntur quasi socii Regis, et qui habet socium habet magistrum." See above p. 329.]

[s] [Vid. Lactant., De Mortib. Persecut.]

[t] [Animadv. Animadverted, p. 8.]

[u] [Virg., Æn., i. 542, 543.]

[v] [Observations &c.] p. 44.

[x] [See Calvin, Instit., lib. iv. c. xx. § 31, Op. tom. ix. p. 406;—Beza, Confess., c. v. § 45, tom. i. p. 55. Op. Theol. Genev. 1582;—Languet, Vindic. Cont. Tyrann., Qu. iii. pp. 275, &c., in fin. Machiav. Princ. ed. 1648.]

penned by Popish Bishops), than of the commonalty, yet it confirms all laws and rightful customs, amongst which we most highly esteem Parliamentary privileges; and as for the word '*eligerit*,' whether it be future or past, it skills not much; for if by this oath, law, justice, and discretion be executed amongst us in all judgments (as well in as out of Parliament), and if peace and godly agreement be entirely kept amongst us all, and if the king defend and uphold all our laws and customs, we need not fear but the king is bound to consent to new laws if they be necessary, as well as defend old; for both being of the same necessity, the public trust must needs equally extend to both: and we conceive it one Parliamentary right and custom, that nothing necessary ought to be denied. And the word '*eligerit*,' if it be in the perfect tense, yet shews that the people's election had been the ground of ancient laws and customs; and why the people's election in Parliament should not be now of as great moment as ever, I cannot discover[y]."

Answ.—"*Momento fit cinis, diu silva.*"—The Observer hath been long weaving a spider's web, and now he himself sweeps it away in an instant; for if "positive laws must every where assign the degrees of liberty," what will become of those "tacit trusts and reservations[z]," of those secret and implicit, but yet necessary, "limits" and conditions of sovereignty, which if the prince exceed, the subject is left free; nay, he is "bound by a higher duty" than "oaths and all ties of allegiance whatsoever," to "seek his own preservation and defence[a]?" Calvin was of another mind;—"*Superior si potestate suâ abutitur, rationem quidem olim reddet Deo, non tamen in præsentiâ jus suum amittit*[b]." Admitting this doctrine,—that there are such secret "reservations" and conditions, and these as general as safety, liberty, and necessity,—and make the people their own judges, when necessity is, what is a violation of liberty, and what doth endanger their safety; and all that great and glorious power, which we give unto princes, will become but like the Pope's infallibility and his temporal dominion; which his flatterers do

[The Observator inconsistent with himself.]

[y] [Ibid., pp. 4, 5.]
[z] [Ibid., p. 4.]
[a] [Ibid.]
[b] In 1 Peter c. ii. [v. 18; Op. tom. vi., in fin., p. 16.]

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give unto him with so many cautions and reservations, that they may take it away when they please. 'Take nothing, and hold it fast[c].'

[The positive laws of a kingdom the just measure of the subject's liberties.]

But leaving these phlegmatic speculations, I do readily join hands with the Observer herein, that "the positive laws" of a kingdom are the just measure and standard of the liberty of the subject. To say nothing of the great distance that is between our European princes in extent of power over their subjects, to come home to ourselves; we see some corporations are endowed with more liberties and privileges than others (thanks to a favourable charter, not to any antecedaneous pactions); we see what difference of tenures is amongst us; some are copy-holders, some are free-holders; some hold in villenage, some in knight-service, some in free-soccage, some in frank-almain; whence springs this diversity 549
but from custom and the pleasure of the donor, who freely imposed what conditions he liked, at such time as he endowed the ancestors of the present possessors with such and such lands? We have a surer charter than that of nature to hold by, Magna Charta, the Englishman's jewel and treasure, the fountain and foundation of our freedom, the walls and bulwarks, yea, the very life and soul, of our security. He that goes about to violate it, much more to subvert it, in whole or in part, I dare not curse him; but I say for myself, and let the Observer do the like, let him prove the shame and abject of men, and his posterity slaves. But do you think it was "penned by Popish Bishops?" Fair fall them for it; certainly they did that as English Bishops, and as Christian Bishops, not as "Popish" Bishops. Long may their reformed successors enjoy the fruit of their labours; if they do not, others may look to themselves.

"Jam tua res agitur paries cum proximus ardet[d]."

It is no new thing to begin with Bishops and end with nobles. It troubles you, that they were so "precise in the care of canonical privileges." 'Tis probable they did it out of devotion, or a prophetical instinct, as foreseeing or fearing schismatical times. Yet you confess withal, that it confirms

[c] [See Just Vind. c. viii.; above in vol. i. p. 256.]

[d] [Horat., Epist., I. xviii. 84.]

"all laws and rightful customs" to all subjects indifferently. Now, Sir, we are come to a fair issue; hold your foot there: your next task must be, to shew what part of Magna Charta is violated by his Majesty; what liberties there granted are by him detained from the subject: if you do not this, you have made us a very long discourse to little purpose. Your argument consists of a proposition and an assumption. The proposition is this.—All laws and lawful customs are confirmed to the subject by Magna Charta and his Majesty's oath for observation thereof. Your assumption stands thus, —But to have nothing necessary denied us, is a lawful custom, a parliamentary right and privilege. You amplify your proposition, as the blind senator commended the fish; "*at dextra jacebat piscis*[e]," it is your assumption, Sir, which is denied. Bend yourself the other way; and shew us, in what particular words of Magna Charta, or any other charter, or any statute, this privilege is comprehended, or by what prescription or precedent it may be proved. If you can do none of these, sit down and hold your peace for ever. The charter of nature will be in danger to be torn in pieces, if you stretch it to this also. To "be denied nothing?" This is a "privilege" indeed; as good as Fortunatus his purse; or as that old law, which one found out for the king of Persia, that he might do what he would[f]. But you limit it,—he ought to deny them nothing which is "necessary." What necessity do you mean? A simple and absolute necessity? That hath no law indeed. Or a necessity only of convenience? But conveniences are often attended with greater inconveniences. A cup of cold water to one who hath a feverish distemper, is convenient to assuage his present thirst, but pernicious to the future habitude of his body. Many things may produce present ease, yet prove destructive to a state in their consequences. These things therefore must be carefully balanced; and by whom? Will you be your own judge? Or will you permit his Majesty to follow the dictate of his own reason? So it is meet and just, if you will have him supersede from his own right. Lay your hand upon your heart; if you have any tenants who hold of you in knight-service, and they shall desire to

DISCOURSE II.

[Of Magna Charta;—that it does not warrant the Observator's claim.]

[e] [Juv., iv. 120, 121. "jacebat *bellua*."]

[f] [Herod., iii. 172.]

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have their tenure changed to free-soccage, as being more convenient and conducible for them, are you bound to condescend? It is well known to all this kingdom, that the kings thereof have ever had a negative voice (otherwise they had less power than a master of a college, or a mayor of a corporation); that no act is binding to the subject without the royal assent; that to say "the king will advise," was evermore a sufficient stop to any bill. Yet the ground of this bold demand is but the author's conceit;—"We *conceive* it to be one parliamentary right;"—and his reasons are such as may make a shew, but want weight to beget a very "conceit." The former is, that new laws and old "being of the same necessity, the public trust must equally extend to both." How often must he be told, that the public trust is only a trust of dependance, which begets no such obligation as he conceits. "Offices of inheritance are rather matters that 550
sound in interest than in confidence[g]." Neither is there, neither can there be, "the same necessity" of observing an old law, to which a king is bound by his charter and by his oath, and of a new law, to which he hath not given his royal assent. If Magna Charta did extend to this, it were *charta maxima*—the greatest charter that ever was granted. If the king's oath did extend to this, it were an unlawful oath and not binding: to swear to confirm all laws that should be presented to him, though contrary to the rule of justice, contrary to the dictate of his own reason. Among so many improbable suppositions, give leave to the other party to make one; the author is not infallible, nor any society of men whatsoever. Put the case, a law should be presented for introducing or tolerating of Socinianism or Anabaptism, or the new upstart Independency; is his Majesty bound to give his assent? Surely no; "not to assume his just power of supremacy" (as your late new masters confess) "were damnable sin[h]." His other reason is this,—"It skills not" whether "the word *eligerit*" (he should say "*elegerit*") in the king's oath be "in the future tense or in the perfect tense," whether he swears to all such customs as the people *have* chosen, or *shall*

[g] Lord Verulam, [Considerations for the Better Establishment of the Church of England, p. 10. 2nd. edit. in 1689.]

[h] [See above p. 315. note e.]

choose, for it "shews, that the people's election was the ground of ancient laws," and that ought to be "of as great moment now as ever." It is a rare dexterity which the Observer hath, with Midas, to turn all he toucheth into gold. Whatsoever he finds, is to his purpose; past or to come, all is one. But he would deceive us, or deceives himself; for "the people's election" never was, nor now is, the sole cause of a law or binding custom: but the people's election was the social or subordinate cause; and the royal assent concurring with it, they were ever jointly the adequate "ground" of law; and still are of the same "moment" that they were jointly and severally, which the Observer might have discovered with half an eye.

The king's oath [does not oblige him to assent to all bills tendered to him.]

But because his Majesty's oath at his coronation is so much insisted upon, as "obliging him to pass all bills that are tendered unto him by his Parliament[i]," it will not be amiss to take this into further consideration; which I shall do with all due submission.

[1. He is equally a king before and after his coronation oath.]

First, it must be acknowledged by all men, that the king of England in the eye of the law never dies. Watson and Clark (two priests) pleaded, that they could not be guilty of treason, because King James was not crowned; the resolution was, that the coronation was but a ceremony to declare the king to the people; so they were adjudged traitors[k]. The like measure in the like case suffered the duke of Northumberland in Queen Mary's days[l]; only with this difference,—Watson's and Clark's treason was before the coronation, but the duke's before the very proclamation. "*Consensus expressus per verba de presenti facit matrimonium*"—"a contract in words of the present tense is a" true "marriage," and indissolvable: and yet, for solemnity' sake, when the parties come to receive the benediction of the Church, the minister, though he knew of the contract, yet he asks, "wilt thou have this woman to thy wedded wife?" There is no duty which our kings do not receive (as oaths of fealty, of allegiance), no acts of royal power which they do not exercise, as amply

[Marriage Service.]

[i] [Remonstrance of Both Houses of Parliament, May 26, 1642, in the Exact Collection of Remonstrances &c., p. 268.]

[k] [See Howell's State Trials, vol. ii. pp. 62, 63; Stow, Chron., p. 149. ed. 1601; and Prynne, Papal Usurp., Epist. to Reader, with authorities there referred to. The continuity of the royal succession was first established 1mo Eliz., according to Sir H. Nicolas, Chron. of Hist., pp. 284, 338.]

[l] [See Howell, vol. i. pp. 765, 766; and Holinshead, Chron., vol. iii. p. 1089.]

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before their coronation as after. And therefore Mr. Dolman (otherwise Parsons the Jesuit), from whom these men have borrowed all their grounds, erred most pitifully in this (as he did in many other of your tenets), that a king is no more a king before his coronation than a mayor of a corporation is a true mayor after his election, before he have taken his oath[p]. To think a few scattered people, assembled without any procuration, have the power of the commonalty of England, is an error fitter to be laughed at than to be confuted.

[2. The oath must be interpreted by custom.]

Secondly, the words of the oath (which bears marks enough in itself of the time when it was made) are not to be pressed further than custom and practice (the best interpreters of the law) do warrant; otherwise the words, "*quas vulgus elegerit*[q]," cannot without much forcing be applied to the Parliament. But admit the word "*vulgus*" might be drawn with some violence to signify the House of Commons, by virtue of their representation; yet how have the House of Lords lost their interest, if the king be bound to confirm whatsoever the House of Commons shall present?

[3. The form of denial—"*Le Roy s'avisera*,"—no proof.]

Thirdly, it cannot be denied, that if the king be bound by 551
a lawful oath to pass all bills, it is not the form of denying it, but the not doing it, which makes the perjury. Therefore the form of the king's answer,—"*Le Roy s'avisera*,"—cannot excuse the perjury in not doing[r]. Neither doth it prove, that the king had no power to deny, but that he is tender of a flat denial, and attributes so much to the judgment of his great Council, that he will take further advice. This would be strange doctrine (indeed incredible), that all the kings of England who have given this answer have been forsworn, and neither Parliament nor Convocation to take notice of it, in so many ages, nor in the next succeeding Parliament after so long "advice" to call for a further answer.

[4. The king confessedly not bound to assent

Fourthly, it is confessed, that "in acts of grace" the king is not bound to assent[s] (it is well if he have not been restrained of this right); that in all acts where his Majesty

[p] [Conference about the next Succession to the Crowne of Ingland, by R. Doleman, Pt. I. c. vi. pp. 131, 132. 8vo. 1594.]

[q] [Oath of Henry IV, as quoted by the Remonstrance above mentioned, from Rot. Parl. Hen. IV. num. 17. It is printed in the Epistle to the Reader, prefixed to Prynne's Papal Usurpations.]

[r] ["The usual answer, 'Le Roy s'avisera,' . . signifieth rather a suspension than a refusal of the royal assent." Remonstr. of May 26, as before quoted p. 269.]

[s] [Same Remonstr., ibid. p. 270.]

is to depart from the particular right and interest of his crown, he is not obliged to assent[t] (and was not that of the Militia such a case?); lastly, that though he be bound by oath to consent, yet, if he do not consent, they are not binding laws to the subject[t]. Thus far well; but then comes a handful of gourds, that poisons the pottage;—except in cases of "necessity[u]." Give to any person or society a legislative power without the king in case of necessity; permit them withal to be sole judges of necessity, when it is, how long it lasts; and it is more than probable, the necessity will not determine till they have their own desires; which is the same in effect as if they had a legislative power. Necessity excuseth whatsoever it doth; but, first, the necessity must be evident;—there needs no such great stir, who shall be judge of necessity; when it comes indeed, it will shew itself; when extreme necessity is disputable, it is a sign it is not real;—secondly, the agent must be proper; otherwise, it cuts in sunder the very sinews of government, to make two supremes in a society, and to subject the people to contrary commands. "If the trumpet give an uncertain sound, who shall prepare himself to battle?" There can be no necessity so pernicious as this very remedy.

DISCOURSE II. in certain cases; and his consent requisite to make a valid law, in all.]

1 Cor. xiv. 8.

Fifthly, the great variety of forms and precedents seems to prove, that one precise form is not simply necessary; and the words "*adjiciantur quæ justa fuerint*[x]," and King Henry the Eighth's interlining it with his own hand[y], do prove that it is arbitrary, at least in part. To interline it with his own hand; to leave it so interlined upon record; O strange! If this clause had been of such consequence, we should have heard of some question about it, either then or in some succeeding Parliament; but we find a deep silence. Thomas Arundel, Archbishop of Canterbury, in Parliament chargeth Henry the Fourth with his "oath which he did *voluntarily* make[z]." But to the forms. First, the oath which King

[5. Forms and precedents prove the oath to respect past, and not future, laws.]

[t] [Ibid., pp. 267, 268. by implication; and see the King's Answer, ibid. p. 292.]

[u] [See the Votes of both Houses of Parliament, of March 15 and 16, 1641-2, and the Remonstrance of May 19, 1642; in Exact Collect., pp. 112, 114, 204-208.]

[x] [In Henry the Fourth's oath.]

[y] ["As appears by a copy preserved in the memorials at Lambeth." Maximes Unfolded, p. 2. a pamphlet by Parker (the Observator).]

[z] Stow, [Chron.] p. 536, [ed. 1631; —p. 331, ed. 1615.]

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Fourth's oath runs thus,—"*Concedis justas leges et consuetudines esse tenendas, et promittis pro te eas esse protegendas*

[a] [See the form in Prynne's Signal Loyalty, Pt. ii. pp. 269—272; and Charles the First's oath at his Scotch coronation in 1633, id. ibid. pp. 307, 308: and compare Collier, Ch. Hist., vol. ii. p. 735; and Prynne's Sover. Power of Parliaments &c., Pt. i. pp. 51, &c.]

[b] [In Prynne's Papal Usurp., Epist. to Reader.]

[c] [See above p. 371. note y.]

[d] [In the article upon the Oath of the King, first edit. Cambr. 1607; omitted in the subsequent editions of the book.]

[e] [Id., ibid.]

et ad honorem Dei corroborandas quas vulgus elegerit[f] *;"*— which last word signifies indifferently either 'have chosen' or 'shall choose.' Neither doth the record say, that this was the very form taken by Henry the Fourth; but that it was "the usual form taken by the kings of England," and "twice by Richard the Second;" and for proof of what it saith, refers us to the Registers of the Archbishops or Bishops,—"*Prout in libris pontificalium Archiepisc. et Episc. plenius continetur*[g] *;*"— this "*prout*" is a clear evidence, that this precise form had no ground in statute, or in common-law, but was a pontifical rite. The oath of Richard the Second, related in the Close Rolls of the first year of his reign[h], even in this very clause differs in two material things: one is, that to "*justas leges et consuetudines*" there is added "*Ecclesiæ;*" the other is, that to "*elegerit*" is added "*juste et rationabiliter*"—"which the people have chosen or shall choose justly and reasonably;" which limitation, if the oath look forward to future laws, must of necessity be either expressed or understood, otherwise the oath is unlawful and doth not bind; "*jusjurandum non debet esse vinculum iniquitatis.*" Here also the word "*elegerit*" is doubtful whether past or future. If it be urged that to "corroborate" must be understood of such laws as have not passed the royal assent; the answer is easy, that the best confirmation of laws is the due execution of them. Now, from our English and Latin forms, our last step is to the French; which was taken by Edward the Second and Edward the Third (as it is said), and runs thus:—"*Sire, grantez vous a tenir et garder les leys et les custumes droitureles lesquiels la communaute de vostre Royaume aura eslu et les defenderez et afforcerez al honeur de dieu a vostre poare*[i]." First, how it shall appear, that this oath was taken by Edward the Second and Edward the Third, we are yet to seek. A Bishop's Pontifical, and much more a herald's notes taken cursorily at a coronation, do not seem to be sufficient records nor convincing proof in our law: and Bracton, who lived about the same times, sets down the oath otherwise:—"*Debet Rex in coronatione suâ,*

[f] [In Prynne, Papal Usurp., Epist. to Reader.]

[g] [Ibid.]

[h] [Ibid., and Signal Loyalty, P. ii. p. 216; and in Rymer, Fœdera, tom. vii. pp. 158, 159; and Walsingham, Hist. Angl., p. 193.]

[i] [In Prynne, Papal Usurp., Epist. to Reader; and Rymer, tom. iv. p. 244.]

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in nomine Jesu Christi præstito sacramento, hæc tria promittere populo sibi subdito; primo se [*esse*] *præcepturum et pro viribus* [*opem*] *impensurum, ut pax* [*vera*] *Ecclesiæ* [*Dei*] *et omni populo Christiano omni suo tempore observetur; secundo, ut omnes rapacitates et omnes iniquitates omnibus gradibus interdicat; tertio, ut in omnibus judiciis æquitatem præcipiat et misericordiam*[k]." Here is neither "have chosen" nor "shall choose." Secondly, though the French do agree with the Latin much for sense and substance, yet it is not the same form. Thirdly, the king grants to defend "the laws and customs;" but it is no "law" till it hath received royal assent, it is no "custom" till it be confirmed by a lawful prescription. Fourthly, that the word "elect" is joined immediately to "customs," which seems not so proper if (*reddendo singula singulis*) it ought to be referred to "laws" and not to "customs." Fifthly, what the Norman French may differ from the Parisian, or both of them then from what they are now, or both then and now from our law French, I cannot determine: but take it at the worst, the words in question,—"*aura eslu*,"—make less for the Observer than "*elegerit*" itself, and do signify "have chosen," or (in the most grammatical pedantical construction that can be made) "shall have chosen;" whereas, if it were "shall choose," it should be *eslira* or *esliront*. If the herald did take his notes as ill as he translates, his remembrances are but of small moment. Before all these forms I read of others in late authors (for I have not opportunity to see the original records); as that of King Richard the First, agreeing much with Bracton,—"To observe peace, honour, and reverence to Almighty God, to His Church and to the ministers of the same, to administer law and justice equally to all, to abrogate evil laws and customs, and to maintain good[l]." Here is indeed a reference to future laws, but no dependence upon other men's judgments. And to this King John's oath came nearest of any form yet mentioned; though not exactly the same, as differing in the first clause, in this, —"To love and defend the Catholic Church[m]."

To sum up all then in a word.—First, here is no certain

[k] Bracton, [De Legg. et Consuetud. Angl.,] lib. iii. [Tract. i. De Action.] c. 9. [fol. 107. a.]

[l] [In Prynne, as last quoted; from Brompton, Chron. in an. 1189. ap. Twysd., X Script. Hist. Angl., p. 1158.]

[m] [Prynne, ibid.]

form to be found. Secondly, for those forms that are, the Parliament Rolls refer us to the Bishops' Registers. Thirdly, few of those forms have the word "*elegerit*" or "choose" in them, and those that have it, have it doubtfully, either "have chosen," or "shall choose." Fourthly, admitting the signification to be future, yet the limitation which is expressed
553 in the oath of Richard the Second ("*justè et rationabiliter*"—"justly and reasonably)," must of necessity be understood in all, otherwise the oath is unlawful in itself, to oblige the king to perform unjust and unreasonable propositions, and binds not. Whether it be expressed or understood, it leaves to the king a latitude of judgment, to examine what is just and reasonable, and to follow the dictate of his own understanding; the practice of all Parliaments in all ages confirms this exposition. Lastly, admitting, but not granting, the word "*elegerit*" to be future, and admitting that the limitation of "*justè et rationabiliter*" could be suspended, yet it would not bind the king to confirm all laws that are tendered, but only exclusively, to impose no other laws on his subjects but such as shall be presented and approved in Parliament. It hath been questioned by some, in whom the legislative power did rest by law; whether in the king alone (as some old forms do seem to insinuate,—"*Concessimus*,"—"*Rex concedit*,"—"*Rex ordinat*,"—"*Rex statuit*,"—"*Dominus Rex de communi suo concilio statuit*,"—"*Dominus Rex in Parliamento statuit*[n]"), or in the king and Parliament jointly: and what is the power of Parliaments in legislation, receptive, consultive, approbative, or co-operative: and whether the making of laws by Parliament be (as some have said) "a merciful policy to prevent complaints not alterable without great peril;" or (as it seems rather) an absolute requisite in law, and a matter of necessity, there being sundry acts inferior to law-making, which our lawyers declare invalid, unless they be done by king and Parliament. Yet, howsoever it be, '*abundans cautela non nocet*:' for greater caution, it yields more satisfaction to the people to give such an oath, that if the king had no such

[n] [The forms referred to may be found in the Statutes of Westm.; I, 1 Edw. I. an. 1275, preamb.,—II, 13 Edw. I. an. 1285 stat. 1, preamb., —III, 18 Edw. I. an. 1290 Stat. 1, c. 1;—of Gloucester, 6 Edw. I. an. 1278, cc. 9, 14;—of Waste, 20 Edw. I. stat. 2. an. 1292, § 2;—for Persons Appealed, 28 Edw. I. stat. 2. an. 1300; —1 Edw. III. stat. 2, preamb.;—&c.]

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power, he would not usurp it, if he had such a power, yet he would not assume it. And this is clearly the sense of that oath of Edward the Sixth,—"That he would make no new laws, but by the consent of his people, as had been accustomed." And this may be the meaning of the clause in the statute;—"Sith the law of the realm is such, that upon the mischiefs and damages which happen to this realm he is bound by his oath, with the accord of his people in his Parliament, thereof to make remedy and law[o]." Though it is very true, that this being admitted (as then it was) to be a law in act, the king is bound by another clause in his oath, and even by this word "*elegerit*" in the perfect tense—"hath chosen," as well or rather more than if it were in the future —"shall choose." And so it follows in that statute plainly, that there was a statute-law, a remedy then in force not repealed, which the king "was bound by his oath to cause to be kept, though by sufferance and negligence it hath been since attempted to the contrary[p]." So the obligation there intended, is to the execution of an old law, not the making of a new. Richard the Second confesseth, that he was bound by his oath to pass a new grant to the justices of peace[q]. But first it appears not that this was a new bill: secondly, if it did, yet Richard the Second was then but fourteen years old: and, thirdly, if his age had been more mature, yet if the thing was just and beneficial to the people, without prejudice to the rights of his crown, and if his own reason did dictate so to him, he might truly say that he was bound to do it both by his oath and his office. Yet his grandfather Edward the Third revoked a statute, because it was prejudicial to the rights of his crown, and was made without his free consent[r].

SECTION THE THIRTEENTH.

Observ.—"That which results from hence is, if our kings receive all royalty from the people, and for the behoof of the people, and that by a special trust of safety and liberty expressly by the people limited, and by their own grants and oaths

[o] 25 Edw. III. [Stat. 6. § 2. anno Dom. 1350; Stat. of Provisors.]

[p] [Ibid., § 3.]

[q] [3 Rich. II. anno 1380. See Prynne, Treach. and Disloyalty of Papists &c., Pt. II. p. 80; and Tyrrell, Hist. of Engl., vol. iii. bk. xii. p. 851.]

[r] Anno 15 Edw. III. [Anno Dom. 1341.]

ratified, then our kings cannot be said to have so inconditionate and high a propriety in all our lives, liberties, and possessions, or in any thing else to the crown appertaining, as we have in their dignity or in ourselves; and indeed if they had, they were not born for the people, but merely for themselves; neither were it lawful or natural for them to expose their lives and fortunes for their country, as they have been bound hitherto to do, according to that of our Saviour, '*Bonus Pastor ponit vitam pro ovibus*[s].'" [John x. 11.]

Answ.—"*Ex his præmissis necessario sequitur c o l lusio.*" —All your main pillars are broken reeds, and your building must needs fall. For our kings do not "receive all royalty from the people," nor only "for the behoof of the people," but partly for the people, partly for themselves and theirs, and principally for God's glory. Those conditionate reservations and limitations which you fancy, are but your own drowsy dreams; neither doth his Majesty's charter, nor can his oath, extend to any such fictitious privilege as you devise. The "propriety" which his Majesty hath in our "lives, liberties, and estates," is of public dominion, not of private possession. His interest in things "appertaining to the crown," is both of dominion and possession. The right which we have in him, is not a right of dominion over him, but a right of protection from him and under him; and this very right of protection which he owes to us, and we may expect from him, shews clearly that he is born in part for his people, and is a sufficient ground for him to expose his life and fortunes to the extremest perils for his country. The author's inference,—that it is not "lawful or natural" according to these grounds,—is a silly and ridiculous collection, not unlike unto his similitude from the shepherd, whom all men know to have an absolute and inconditionate dominion over his sheep, yet is he bound to expose his life for them.

[The Observator's conclusions fall with his premisses.]

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SECTION THE FOURTEENTH.

Observ.—"But now of Parliaments. Parliaments have the same efficient cause as monarchies, if not higher; for, in truth, the whole kingdom is not so properly the author as the

[s] [Observations, &c., p. 5.]

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essence itself of Parliaments; and by the former rule it is '*magis tale,*' because we see '*ipsum quid quod efficit tale.*' And it is I think beyond all controversy, that God and the law operate as the same causes, both in kings and Parliaments: for God favours both, and the law establishes both, and the act of men still concurs in the sustentation of both. And not to stay longer on this, Parliaments have also the same final cause as monarchies, if not greater; for indeed public safety and liberty could not be so effectually provided for by monarchs, till Parliaments were constituted, for supplying of all defects in that government[t]."

[II. Of PARLIAMENTARY POWER.]

Answ.—The Observer, having shewed his teeth to monarchs, now comes to fawn upon Parliaments. The Italians have a proverb, "He that speaks me fairer than he useth to do, either hath deceived me, or he would deceive me[u]." Queen Elizabeth is now a saint with our schismatical Marprelates; but when she was alive, those railing Rabshakehs did match her with Ahab and Jeroboam[v]. Now their tongues are silver trumpets to sound out the praises of Parliaments; it is not long since they reviled them as fast, calling them courts without conscience or equity[v]. God bless Parliaments, and grant they may do nothing unworthy of themselves, or of their name, which was "*Senatus Sapientum*[x]." The commendation of bad men was the just ground of a wise man's fear. But let us examine the particulars.

[The Parliament not above the king.]

"Parliaments" (you say) "have the same efficient cause as monarchies, if not higher" (it seems you are not resolved whether). "Higher?" How should that be? Unless you have devised some hierarchy of Angels in Heaven to overtop God, as you have found out a court "paramount" over His vicegerent in earth. But you build upon your old sandy foundation,—that all kings derive their power from the people. I must once more tell you, the monarchy of this kingdom is not from the people as the efficient, but from the King of kings. The only argument which I have seen pressed with any show of probability (which yet the Observer

[t] [Ibid., p. 5.]

[u] [Chi ti fa meglio che non suole, Ingannato ti ha o ingannar ti vuole."]

[v] [See Bancroft's Dang. Positions, bk. ii. cc. 5, 6.]

[x] [Scil. Wittenagemot. See Spelman, Gloss., in voce Parlamentum.]

hath not met with), is this,—that upon deficiency of the royal line the dominion escheats to the people as the lord paramount. A mere mistake. They might even as well say, that because the wife upon the death of her husband is loosed from her former obligation, and is free either to continue a widow or to elect a new husband, that therefore her husband in his life-time did derive his dominion from her; and that by his death dominion did escheat to her as to the lady paramount. Yet, if all this were admitted, it proves but a respective equality. Yes; you add, that the Parliament is the "very essence" of the kingdom, that is to say, the cause of the king; and therefore, by your Lesbian rule of "*quod efficit tale*," it is in itself more worthy and more powerful. Though the rule be nothing to the purpose, yet I will admit it, and join issue with the Observer. Whether the king or the Parliament be the cause of the other, let that be more worthy. That the king is the cause of the Parliament, is as evident as the noon-day light. He calls them; he dissolves them; they are his council; by virtue of his writ they do, otherwise they cannot, sit. That the Parliament should be the cause of the king, is as impossible, as it is for Shem to be Noah's father. How many kings in the world have never known Parliament, neither the name nor the
555 thing. Thus the Observer,—"In the infancy of the world . . most nations did choose rather to submit themselves to the discretion of their lords, than to rely upon any limits[y];" and a little after, "Yet long it was ere the bounds and conditions of supreme lords were so wisely determined or quietly conserved as now they are[z]." It is apparent then, kings were before Parliaments, even in time. Our French authors do affirm, that their kingdom was governed for many ages by kings without Parliaments, happily and prosperously. Philip the Fair was the first erecter of their Par- [A.D. 1302]
liaments of Paris and Montpelier[a]. As for ours in England, will you hear Master Stow our annalist; thus he, in the sixteenth of Henry the First, in the name of our historiographers, not as his own private opinion,—"This do the historiographers note to be the first Parliament in England,

[y] [Observations &c., p. 14.]
[z] [Ibid.]
[a] [See Velly, Hist. de France, tom. iv. pp. 107 &c. ed. 1770.]

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and that the kings before that time were never wont to call any of their commons or people to council or law-making[b]." It may be, the first held by the Norman kings, or the first held after the Norman manner, or the first where the people appeared by proctors; yet we find the name of Parliament before this[c]; either so called then indeed, or by a prolepsis, as "*Lavina littora*[d]." And not to contend about the name, this is certain, that long before, in the days of the Saxon kings, there was the Assembly of Wise Men, or Mickle Synod, having an analogy with our Parliaments, but differing from them in many things[e]. So doth that Parliament in Henry the First his time differ from ours now. Then the Bishops had their votes in the House of Lords, now they have none; then proctors of the clergy had their suffrages in the House of Commons, now they are excluded; then there were many more barons than there are now burgesses; every lord of a manor who had a court-baron, was a Parliament-man *natus* by right; then they came on general summons, after upon special writ. But both the one and the other were posterior to kings, both in the order of nature and of time. How should it be otherwise? The end of Parliaments is to temper the violence of sovereign power; the remedy must needs be later than the disease, much more than the right temper. Degenerate monarchy becomes tyranny, and the cure of tyranny is the mixture of governments. Parliaments are proper adjuments to kings; "Parliaments were constituted to supply the defects in that government[f]," saith the Observer himself; here you may apply your rule to purpose, that the end is more excellent than the means. I deny, therefore, that the kingdom is the "essence" of Parliaments. There is a threefold body of the state, the essential body, the representative body, and the virtual body: the essential body is the diffused company of the whole nobility, gentry, commonalty, throughout the kingdom; the representative body

[b] [Stow, Chron., p. 196. ed. 1601. In the later editions the passage is omitted. But see Holinshead, Chron. vol. ii. p. 38, from Polyd. Virgil., lib. xi. p. 188. ed. Basil. 1555; and Sir H. Spelman, Reliquiæ, Pt. i. p. 62. ed. 1698.]

[c] [See Spelm., Gloss., in voc. Parlamentum; Prynne, Register, Pt. iv. pp. 567-569; and Brady, Introd. to Hist. of Engl., Tract i. pp. 71—73.]

[d] [Virg., Æn., i. 2, 3.]

[e] [See Spelman, Gloss., and Brady, pp. 7—10, as before quoted; and Sharon Turner, Hist. of Anglo-Saxons, bk. x. c. 4.]

[f] [Observations &c. p. 5.]

are the lords, citizens, and burgesses, in Parliament assembled and entrusted; the virtual body is his Majesty, in whom rests the life of authority, and power legislative, executive, virtually; yet so as in the exercise of some parts of it there are necessary requisites, the consent and concurrence of the representative body. From this mistaken ground the Observer draws sundry erroneous conclusions. "*Posito uno absurdo sequuntur mille.*"

[The Parliament not the essential body of this kingdom.]

Hence proceeds his complaint, that "severance hath been made betwixt the parties chosen and the parties choosing; and so" that "that great privilege of all privileges, that unmoveable basis of all honour and power, whereby the House of Commons claims the entire right of all the gentry and commonalty of England, hath been attempted to be shaken[g]." A power of representation we grant, respective to some ends; as, to consent to new laws, to grant subsidies, to impeach offenders, to find out and present grievances, and whatsoever else is warranted by lawful customs; but an "entire right" to all intents and purposes, against law and lawful custom, we deny. An "entire right?" What? to our wives and children, to our lands and possessions? This is not tolerable.

Hence also he tells, magistrally enough, of an arbitrary power in the Parliament;—"That there is an arbitrary power in every state somewhere, it is true, 'tis necessary, and no inconvenience follows upon it; every man hath an arbitrary power over himself, . . so every state hath an arbitrary power over itself, and there is no danger in it; for the same reason, if the state entrust this to one man, or few, there may be danger, but the Parliament is neither one nor few, it is indeed the state itself[h]." Now the mask is off. You have spun a fair thread. Is this the end of all your goodly pretences? If this be your new learning, God deliver all
556 true Englishmen from it. We choose you to be our proctors, not to be our lords. We challenge the laws of England as our birthright and inheritance, and dislike arbitrary government much in one, but twenty times worse in more. There

[g] [Ibid. p. 15. "Every man hath an *absolute* power over himself; but because no man can hate himself, this power is not dangerous, and need not be restrained; so every state," &c.]

[h] [Ibid., p. 34.]

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is no tyranny like many-headed tyranny. When was ever so much bloodshed and rapine under one tyrant, as under three in the Triumvirate? And the more they are, still of necessity there will be more engagements of love and hatred and covetousness and ambition, the more packing and conniving one with another, the more danger of factious and seditious tumults; as if the evils of one form of government were not sufficient, except we were overwhelmed with the deluge of them all; and he that is most popular (who is most commonly the worst), will give laws to the rest. Therefore it hath ever been accounted safer to live under one tyrant than many. The lust, covetousness, ambition, cruelty, of one, may be sooner satisfied than of many; and especially when the power is but temporary, and not hereditary nor of continuance. We see farmers which have a long term, will husband their grounds well; but they that are but tenants at will, plough out the very heart of it. No, Sir, (I thank you,) we will none of your arbitrary government. And supposing, but no way granting, that the Parliament were the essential body of this kingdom, or (which is all one) were endowed with all the power and privileges thereof to all intents and purposes, yet it had no arbitrary power over itself, in such things as are contrary to the allegiance which it owes to his Majesty, and contrary to its obligation to the received laws and customs of this land.

[The Parliament hath no power to call kings to account.]

Hence he ascribes to Parliaments a power to call kings to an account. Hear himself;—"That princes may not be now beyond all limits and laws by any private persons, the whole community in its underived majesty shall convene to do justice[i]." Here we have it expressly; that the Parliament is "the whole community," that it hath a "majesty," that this majesty is "underived," that it hath power to try princes, yea, "to do justice" upon them. Hitherto we have misunderstood St. Peter,—"Submit yourselves to every ordinance of man for the Lord's sake, whether it be to the king as supreme." It seems, the Parliaments which passed the oaths of supremacy and allegiance, did not understand their own right, till this "third Cato dropped from Heaven[k]" to inform them: and, above all, our nonconformist ministers

1 Pet. ii. 13.

[Observations &c., p. 15.]

[k] [Juv., ii. 40.]

in their solemn Protestation are deepest in this guilt, who affirm so confidently, that for the king not to assume supremacy, or for the Church to deny it, were damnable sin, "yea, though the statutes of the kingdom should deny it unto him[1]." What may his fellow-subjects expect from the Observer, who is so saucy with his sovereign?

[Of the maxim, that the king can do no wrong.]

But before I leave this point, I desire to be informed, how this new doctrine agrees with that undeniable principle of our law, "the king can do no wrong?" The Observer glosseth it thus;—that he can do no wrong '*de jure*,' but '*de facto*' he may[m]; which is the drowsiest dreaming device that ever dropped from any man's pen in his right wits. Judas or the devil himself can do no wrong *de jure*, unless both parts of a contradiction can be true: a fair privilege to give a prince, which a high-way thief may challenge. It may with more probability be expounded thus, that the king is to discharge the public affairs of the kingdom, not by himself, but by his officers and ministers; therefore, if any thing be amiss or unjust, they are faulty, they are accountable for it, not he. But there seems to be something more in this principle than thus: for, first, by the same reason a man might say the king can do no right, if he can do nothing by himself; he is not capable of such thanks as Tertullus gave to Felix: secondly, it would be very strange, that a king should be excluded from the personal discharge of all manner of duties belonging to his high calling, and might occasion the renewing of the woman's complaint against Philip of Macedon,—"Why then art thou king[n]?"—this were to make his Majesty another Childeric, one of the old ciphers or titulary kings of France, and put all the power into the hands of a mayor of the palace, or a marshal, or some other subject's. What is it then? There must be something more in this old maxim of our law, that "the king can do no wrong." And it is this doubtless,—that, in the intendment of law, his person is sacred, he is freed from all defects (as, though he be a minor or an infant, yet in the eye of the law he is always of full age), he owes account of his doings to

Acts xxiv. 2.

[1] [See above p. 315. note e.]

[m] [Animadv. Animadverted, p. 5.]

[n] [Plut., Apophthegm. Regum, in Philipp. num. xxxi. Op. Moral. tom. i. p. 499. ed. Wyttenb.; and see a similar anecdote of Demetrius, in Plut., Vit. Demetr., tom. v. p. 51. ed. Bryant.]

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God alone, the law hath no coercive power over him. This 557
is that which Samuel calls "the law of the kingdom," not to shew what a king may lawfully do, but what a subject ought to bear from a lawful king. "To Thee alone have I sinned," said David; he had trespassed against Uriah and Bathsheba, yet he saith, "To Thee only have I sinned,"—"*quia rex erat*"—"because he was a king," and accountable to none but God; as Clemens Alexandrinus[o], Arnobius[p], St. Jerom[q], St. Ambrose[r], Venerable Bede[s], Euthymius[t], and sundry others[u], do all affirm upon this one place. And Gregory of Tours,—"*Si quis de nobis*"—"If any one of us, O king, do pass the bounds of justice, you have power to correct him, but if you exceed your limits who shall chastise you? we may speak to you; if you list not hearken, who can condemn you, but that great God, Who hath pronounced Himself to be Righteousness[v]?" And even Antoninus, whom the Observer so much commends for a renowned and moderate prince, yet is positive in this,—"*Solus Deus judex principis esse potest*"—"God alone can be judge of a sovereign prince[x]." In the Parliament at Lincoln, under Edward the First, the Lords and Commons unanimously affirm the same, with a wonder that any man should conceive otherwise,—"that the king of England neither hath answered, nor ought to answer, for his right, before any judge ecclesiastical or secular, *ex præeminentiâ status sui*—"by reason of the pre-eminence of his regal dignity and custom at all times inviolably observed[y]."

["The manner of the kingdom." Eng. Vers. —"Legem regni." Vulg.—1 Sam. x. 25.] [Ps. li. 4.]

[The Parliament hath no power to depose princes.]

"To try princes and to do justice." Some man would desire to know, how far this justice may be extended; whether peradventure to depose them and dethrone them, to exalt them and depress them,—'*constituere, destituere, construere, destruere, fingere, diffingere.*' But for this they must

[Vide Jerem. i. 10.]

[o] [Stromata, lib. iv. § 17, Op. tom. i. p. 611. ed. Potter.]

[p] [Arnob. Junior, Comment., in loc.]

[q] [Epist. 18, Ad Eustoch., Op. tom. iv. P. ii. p. 32;—90, Ad Rusticum, ibid. p. 737.]

[r] [Expos. in Ps. cxviii. Serm. xvi. § 32; Op. tom. i. p. 1179. D.]

[s] [In loc.; Op. tom. viii, p. 697.]

[t] [Comment., in loc.; ap. De la Bigne, Bibl. PP., tom. xix. p. 325. G.]

[u] [E. g. Cassiodorus, in loc.; and Isid. Pelus., Epist. lib. v. ep. 383. ed. Paris, 1638: as quoted by Grotius, De Jure Belli et Pacis, lib. i. c. iii. § 20.]

[v] [Histor. lib. v. c. 18.]

[x] [Xiphilin., Vit. Antonin., in Epit. Dion. Cass. lib. lxxi, p. 803. A. ed. Leunclav. 1606.]

[y] [Letter of the Lords Temporal and the whole barony of England to Boniface VIII. (A.D. 1301), in Fox, Acts and Monum., vol. i. pp. 388, 389.]

expect an answer from the Observer by the next post, when he sees how the people will dance after his pipe, and whether his misled partners will go along the whole journey or leave his company in the midway. When he hath "sufficient strength," then it is time, and not before, to declare himself. Till then he will be a good child, and follow St. Paul's advice in part. Stoppage is no payment in our law. Suppose the prince fails in his duty, are the subjects therefore free from that obligation which is imposed upon them by the law of God and nature? When his Majesty objects, that a deposition is threatened, at least intimated, what doth the Observer answer? He doth not disclaim the power, but only deny the fact. Thus he saith:—"It may truly be denied, that ever free Parliament did truly consent to the dethroning of any king of England; for that act whereby Richard the Second was dethroned, was rather the act of Henry the Fourth and his victorious army, than of the whole kingdom[z]." Mark these words,—"that any free Parliament." So it seems, that some Parliaments are not free. And again,—"did truly consent." There may be much in that word also. First, whether they who are overawed with power of unruly myrmidons, may be said to "consent truly" and *ex animo*. Secondly, whether they who consent merely for hope of impunity, to escape questioning for their former oppressions and extortions, may be said to "consent truly." Thirdly, whether they who consent out of hope to divide the spoil, may be said to "consent truly." Fourthly, whereas by the law of nations the rights and voices of absentees do devolve to those that are present, if they be driven away by a just and probable fear, whether they may be said to "consent truly." Lastly, they that follow the collier in his creed[a], by an implicit faith without discussion resolving themselves into the authority of a committee or some noted members, may they be said to "consent truly." That which follows of "Henry the Fourth and his victorious army," shews the Observer to be as great a "heretic in policy[b]" as Machiavel himself. He might better have said 'the usurper and his rebellious army.' For

[z] [Observations, &c., p. 32:—"It may be *justly* denied."]

[a] [See the Answ. to La Millet., above in vol. i. p. 39. note k.]

[b] [Observations &c., p. 20; of Machiavel.]

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a subject to raise arms against his sovereign to dethrone him (as Bolingbroke did), and by violence to snatch the crown to himself in prejudice of the right heirs, is treason confessed by all men: his acquisition is mere usurpation; and for any person or society of men to join with him, or to confirm him, is to be partakers of his sin. But God's judgments pursue such disloyal subjects and their posterity, as it did them. The greatest contrivers and actors in that rebellion, for a just reward of their treason, did first feel the edge of Henry's victorious sword; and after them, Henry's posterity, and the whole English nation, smarted for Richard's blood[c]. It is observed, that all the conspirators against Julius Cæsar perished within three years, some by judgment of law, others by shipwreck upon the sea, others by battle under the sword 558
of their conquering enemies, others with the same bodkin wherewith they had stabbed their emperor; one way or other, vengeance overtook them every man[d]. What others say of Richard's resignation, is as weak; which was done by duress and imprisonment, or at the best for fear of imminent mischief.

[The Parliament subordinate to the king.]

To conclude this section.—God and the law operate both in kings and Parliaments, but not in both alike. God is the immediate cause of kings, the remote of Parliaments. Kings and Parliaments have the same ultimate and architectonical end, that is, the tranquillity of the whole body politic; but not the same proper and next ends, which in the Parliament is to advise the king, supply the king, and in the constitution of new laws to concur with the king. I grant (to speak in his Majesty's own words, as more full than the Observer's), 'that Parliaments are so essential a part of the constitution of this kingdom, that we can attain no happiness without them[e].' But to conclude from hence their superiority above kings, or equality with kings, is to subject the principal efficient to every secondary cause, subordinate, instrumental, or '*sine quâ non.*'

[c] [See Trussell's Contin. of Daniell's Hist. of Engl., p. 55. Lond. 1636.]

[d] [Plut., in Vitâ Julii Cæsar., tom. iv. p. 173. ed. Bryant.]

[e] [Declar. after the Battle of Edgehill, Oct. 23, 1642; in Exact Collect. p. 649.]

SECTION THE FIFTEENTH.

Observ.—"Two things are aimed at in Parliaments, not to be attained to by other means: first, that the interest of the people might be satisfied; secondly, that kings might be better counselled. In the summons of Edward the First (claus. 7. III. 3. dors.) we see the first end of Parliaments expressed: for he inserts in the writ, that 'whatsoever affair is of public concernment, ought to receive public approbation' —'*quod omnes tangit, ab omnibus approbari debet*' or '*tractari*[f].' And in the same writ he saith, this is '*lex notissima et providâ circumspectione stabilita.*' There is not a word here but it is observable. Public approbation, consent, or treaty is necessary in all public expedients; and this is not a mere usage in England but a 'law;' and this law is not subject to any doubt or dispute, there is nothing more 'known;' neither is this known law extorted from kings by the violence and injustice of the people, it is duly and formally 'established;' and that upon a great deal of reason, not without 'the providence and circumspection' of all the states. Were there no further antiquity than the reign of Edward the First to recommend this to us, certainly so there ought to be no reverence withheld from it; for this prince was wise, fortunate, just, and valiant beyond all his predecessors, if not successors also; and therefore it is more glory to our freedoms, that as weak and peevish princes have most opposed them; so that he first repaired the breaches, which the Conquest had made upon them. And yet it is very probable, that this law was far ancienter than his reign; and the words '*Lex stabilita et notissima*' seem to intimate, that the Conquest itself had never wholly buried this in the public ruin and confusion of the state. It should seem at this time Llewellin's troubles in Wales were not quite suppressed, and the French king was upon a design to invade some pieces of ours in France, and therefore he sends out his summons, '*Ad tractandum, ordinandum, faciendum, cum prelatis, proceris, et aliis incolis regni,*' for the prevention of these dangers. These words, '*tractandum, ordinandum, faciendum,*' do fully prove, that the people in those days were summoned '*ad*

[f] [From Reg. Jur. xxix. in fin. Sexti Decretal.]

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[Edward the First.] *Answ.*—The Observer is just like a winter brook; which swells with water when there is no need, but in summer, when it should be useful, is dried up. For all the absurd paradoxes which he brings in this treatise, he produceth not one authority but his own; and here, to confirm a known truth which no man denies, he cites Rolls and adorns them with his glosses. For my part, I know no man that did ever envy or malign the honour of Edward the First, except Johannes Major; who was angry with him for his northern expedition,—'*Edvardus Longshanks cum longis tibijs suis venit in Scotiam*[h].' But what is this to your purpose? Yes, it makes for "the glory of our freedoms, that as weak and peevish princes opposed them, so he repaired the breaches of them." How do you know that? By this summons also? I see you are dexterous, and can soon make an ell of an inch. But in truth you are very unfortunate in your instances. Edward the First was a much greater improver of the royalty than any of his predecessors, in which respect he is styled by our chroniclers "the first conqueror after the Conqueror[i]." That which was urged to his father, was never that I read of tendered to him,—for the Parliament to have the nomination of the Chief Justice, Chancellor, and Treasurer,—but only once in his whole time; and then, being rejected with a 559
frown, was never moved more. It is more probable, or rather apparent, that the lenity, irresolution, and mutable disposition of princes, have been that which hath emboldened subjects to make insolent and presumptuous demands to their sovereigns.

[Of the form of summons to Parliament 23 Edw. I.] Thus for the man; you are as ample for the law,—that it is "*lex notissima*;" and not only "*notissima*," but "*stabilita*;" lastly, "*stabilita providâ circumspectione*." A trim gradation.

"Quid tanto dignum feret Observator hiatu[k]?"

[g] [Observations, &c., pp. 5, 6. And see the Writ of Summons in Dugdale, Summons, in an. 23. Edw. I., p. 10.]

[h] [Vide Joh. Major, Hist. Major. Brit., lib. iv. c. 16. fol. 74. b. ed. 1521.]

[i] [Daniell, Hist. of Engl., p. 186.]

[k] ["Quid dignum tanto feret *hic promissor* hiatu." Horat., A.P. 138.]

Who reads this, and believes not that some great "mountain is travailing?" Yet in very deed it is with nothing but a "ridiculous mouse[1]." "*Postquam incruduit pugna*"—"after the fray grows hot, dishes and trenchers are turned to weapons," said Erasmus. Let your law speak itself. "That which concerns all men, ought to be approved or handled by all men." Who denies it? I shall easily grant you, that this law is not only ancienter than the first Edward, but even as ancient as the first Adam; a part of the law of nature; at least in the grounds of it. But that you may not steal away in a mist of generalities (as it is your use), one word of your "*tangit*," another of your "*approbari debet*."—"That which concerns all men." Sir, "all men" may be said to be "concerned" two ways, either in the consequents of affairs, or in the management thereof. This latter concernment gives a right sometimes to counsel only, sometimes both to counsel and approve, sometimes both to counsel, approve, and act, according to the private constitutions of societies; but the former implies no right, neither "*ad approbandum*," nor yet "*ad tractandum*." As, for example, the meanest freshmen are concerned in the statutes and orders of the University, yet are none admitted to debate them but the Visitors, Heads, and at the lowest the Regent-Masters. And this exception holds in all cases, where either inferiors or their predecessors have legally divested themselves of this power by their proper act, or where this trust is committed to superiors by the laws, Divine, natural, or national. Secondly, the counsel, consent, or act, of proctors, attorneys, and generally of all trustees, whether one or more, whether rightfully elected or imposed, according to the latitude of their trust, ought to be interpreted as the counsel, consent, act, of those persons, by whom, or over whom, or for whom they are so trusted, and whose power virtually they do retain; so as a present and posterior consent is not necessary to his Majesty for the exercise of any branch of that imperial power, which by law or lawful custom is annexed to his crown. And therefore Edward the First his summons, "*ad tractandum, ordinandum, faciendum*," which is the same in effect with all summons since, will do your cause no good in the world; unless you may have leave to do

[1] [Id., ibid., 139.]

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as the Devil did with Christ, leave out "*in viis tuis*[m]:" so you may put out "*in quibusdam*," and thrust in place thereof "*in omnibus*," as you do in the next page, "In all things pertaining to the people." Leave these frivolous, these false suggestions. Your own conscience cannot but tell you, that (*reddendo singula singulis*) in some things the Houses of Parliament have power to consent, in some things to order, in some things to act, but in all things they have neither power to act, nor order, nor consent; and that will appear by your next section.

SECTION THE SIXTEENTH.

Observ.—"It is true, we find in the reign of Edward the Third, that the Commons did desire that they might forbear counselling in things, '*de queux ils n'ount pas cognizance*[n];' the matters in debate were concerning some intestine commotions, the guarding of the marches of Scotland, and the seas; and therein they renounce not their right of consent, they only excuse themselves in point of counsel, referring it rather to the king and his council. How this shall derogate from Parliaments, either in point of consent or counsel, I do not know; for at last they did give both, and the king would not be satisfied without them. And the passage evinces no more but this, that the king was very wise and warlike, and had a very wise council of war, so that in those particulars the Commons thought them most fit to be consulted, as perhaps the more knowing men[o]."

[Limitation of the power of Parliament temp. Edw. III.]

Answ.—This is the first time, that the Observer is pleased to honour his adverse party with the mention of one objection; and that with so ill success, that he cannot untie the knot again with all his teeth. I will put it into form for him thus;—That which the Parliament in the reign of Edward 560
the Third had not, that no succeeding Parliament hath; but that Parliament had no universal cognizance; therefore the

[m] [Ps. xci. 10. (xc. Vulg.), "Quoniam Angelis suis mandavit de Te, ut custodiant Te *in omnibus viis tuis*;" thus quoted in St. Luke's account of the Temptation (iv. 10.),—"Quod Angelis Suis mandavit de Te, ut conservent Te."]

[n] [See the Rot. Parl. in an. 21 Edw. III., vol. ii. p. 165.]

[o] [Observations, &c., p. 6.]

same rule holds in this and all other Parliaments. The proposition is infallibly true, grounded upon an undeniable maxim, that "*quod competit tali quâ tali, competit omni tali*"—that which is true of one Parliament, not by accident, but essentially, as it is a Parliament, must of necessity be true of every Parliament. The assumption is as evident, confessed by the Parliament itself, who best knew the extent of their own power, that there were some things of which "*ils n'ount pas cognizance*"—"they had no cognizance." And if we will believe the Observer, these things which did not belong to their cognizance, were the appeasing some intestine or civil commotions, and the guarding of the seas and marches. Why, these are the very case now in question concerning the Militia. And doth a Parliament here confess, that they have "no cognizance" of these? Yes. What saith the Observer to this? He saith, they do "not renounce their right," but "only excuse themselves in point of counsel." Most absurdly; as if there were either consent or counsel without cognizance. But he saith, they "did give both" consent and counsel, and the king could "not be satisfied without them." It may be so; but there is a vast difference between giving counsel when the king licenseth, yea, and requireth it, and intruding into counsel without calling; between an approbative consent, such as the Saints give to God Almighty, the only authoritative Judge of Heaven and earth; and an active consent, without which the king's hands should be so tied, that he could do just nothing. The former all good kings do desire, so far as the exigence of the service will give way to have their counsels communicated; but the latter makes a great king a cypher, and transforms an emperor into a Christmas lord. You tell us, that king "had a very wise council of war," and "perhaps more knowing" in these things than the Commons. It were strange if they should not be so; if the Commons, who are strangers to the affairs and engagements of state, should understand them better than those who have served sundry apprenticeships in that way. '*Qui pauca considerat, facile pronunciat*'—'he that knows not or regards not the circumstances, gives sentence easily,' but for the most part is mistaken. Ignorance of the true state of things begets "jealousies and fears," where there are no dangers;

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and confidence, where the peril is nearest: it makes a field of thistles an army of pikes, and an army of pikes a field of thistles. Let old statesmen sit at the helm still, and steer the ship of the commonwealth. The Commons are the best counsel in the world, for redressing of grievances, for making of new laws, for maintaining the public interest of the kingdom abroad, and private interest of the subject at home. Let this be their work and their honour.

SECTION THE SEVENTEENTH.

Observ.—"Now upon a due comparing of these passages with some of the king's late papers, let the world judge whether Parliaments have not been of late much lessened and injured. The king in one of his late answers alleges, that his writs may teach the Lords and Commons the extent of their commission and trust, which is to be counsellors, not commanders, and that not in all things, but '*in quibusdam arduis*;' and the case of Wentworth is cited, who was by [A.D.1575] Queen Elizabeth committed (sitting the Parliament) for proposing that they might advise the Queen in some things which she thought beyond their cognizance, although Wentworth was then of the House of Commons. And in other places, the king denies the assembly of the Lords and Commons to be rightly named a Parliament, or to have any power of any court, and consequently to be any thing but a mere convention of private men.

"Many things are here asserted, utterly destructive to the honour, right, and being of Parliaments. For, first, because the law hath trusted the king with a prerogative to discontinue Parliaments[q]," &c.

[The Observator's first exception;—against his Majesty's prerogative of dissolving Parliaments.]

Answ.—Having laid these former grounds, the Observer proceeds to some exceptions against some passages in his Majesty's "papers" (that's his phrase), as if they were old almanacks out of date, fit for nothing but to cover mustard-

[q] [Observations, &c., pp. 6, 7; from "His Majesties Answ. to the Remonstrance," &c. of May 26, 1642, and from his Answers to the Declar. of the Lords andCommons concerning the Militia (May 5, 1642,) and to the Remonstrance, &c. of May 19, 1642, in the Exact Collection, pp. 287, and 178, 242. For Wentworth, see D'Ewes, Journ. Parl., pp. 236. 244.]

pots; "*metuentia carmina scombros aut thus*[r]." His first exception is, that his Majesty is trusted by the law (which the Observer calls now "a formality of law"[s]), with "a prerogative to discontinue Parliaments," leaving no remedy
561 to the people in such a case; which, he saith, is "destructive to the honour, right, and being of Parliaments," and "may yet be mischievous in the future dissolution" of them, and make "our triennial Parliaments of little service," if it "be not exploded now[t]." What is this to the Observer's grounds or his Majesty's Declaration? This is rather an exception against the law itself than the king. So the Observer and his pew-fellows deal with laws and lawmakers. If they make for them, "*suspiciunt ut aquilas*"—"they admire them as eagles;" if they make against them, "*despiciunt ut graculos*"—"they despise them as daws." The fundamental constitutions of the kingdom must be straight "exploded;" the law is become a "formality." Are you in earnest, Sir, that this is "destructive" to Parliaments? You might have said more truly, the productive cause of all Parliaments, that ever were in England, or of any assembly that had an analogy with Parliaments. I took you only for a reformer of some abuses newly crept in; but it is plain, you intend to be another Lycurgus, to alter the whole frame of government. Truly, Sir, you begin very high, and jump over the backs of a great many generations at once: doubtless you are either very wise, or have a great opinion of your own wisdom. But to the point;—it is confessed, that sometimes some evils do flow from inconsiderate trust, but many more from needless jealousy. "*Incommoda non solvunt regulam*"—"inconveniences do not abrogate a law." Restraint commonly makes passion more violent. When you have done what you can, there must be a trust either reposed in one or many, and better in one than many. Do but look home a little. Without trust, a man knows not his own father; without trust, a man knows not his own children. Some trust there must be, and who fitter to be trusted than he that hath the supremacy of power? unless you will make two supremes. You confess, that Parliaments ought to be used

[r] [Pers., Sat. i. 43, 44.]
[s] [Observations, &c., p. 7.]
[t] [Ibid.]

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"as physic, not as" constant "diet[x]." And the law hath now set down a fair term for the continuance of an ordinary Parliament, unless you would be continually in a course of "physic."

[2. His second exception;—that his Majesty declares some subjects to be out of the sphere of Parliaments.]

The second exception is, his Majesty declares, that the Parliament hath no universal power to advise "in all things" but "*in quibusdam arduis*," according to the writ; and cites the precedent of Wentworth, a member of the House of Commons, committed by Queen Elizabeth (the Parliament sitting) for proposing to advise her in a matter she thought they had nothing to do with. The Observer magnifies Queen Elizabeth for her goodness and clemency, but withal he adds, "But we must not be precedented in apparent violation of law by Queen Elizabeth[y]." A grave historiographer tells us of a close and dangerous kind of enemies, "*tacitum inimicorum genus*," such as make a man's praises an introduction to their venomous invectives, as if it were not malice but pure love of truth that even forced them to speak so much[z];—'such an one is a good man, but,' &c. So, Queen Elizabeth was a good Queen, but in this particular she played the tyrant. To violate laws, to violate them apparently, therefore wilfully, to have no respect to the House of Commons (whereof Wentworth was a member), was no sign of grace and clemency. Certainly Queen Elizabeth (a wise and merciful princess, one that so much courted her people) would not have done it, but that she thought she had just grounds; or if she might err in her judgment, yet she had as wise a council as any prince in Europe, and a business of this consequence could not be done without their advice, who doubtless were some of them members of the same House; or if both she and they should be mistaken, yet why were the House of Commons themselves silent, whilst such a known privilege was apparently invaded? why did they not at least in a humble petition represent this apparent violation of their liberties, that it might remain as a memorial to plead for them to posterity, that they were not the betrayers of the rights of Parliaments? She that was so gracious as the Observer acknowledgeth, and whose goodness was so perfect and un-

[x] [Observations, &c., p. 24.]
[y] [Ibid., p. 7.]
[z] [Tacit., Agric., 41. "*Pessimum* inimicorum genus."]

dissembled, could not choose but take it well, and thank them for it. Neither will it suffice to say she gained upon them by courtesy: such an apparent violation, so prejudicial to "the highest court of the kingdom," passed over in deep silence, shews as little courtesy on the one side as discretion on the other. In brief, as I cannot conceive that these words —"*in quibusdam arduis*"—are so restrictive, that the House may consult of nothing but what shall be proposed or was intended at the time of the summons; so, on the other side,
562 I do not see, how either the commission or prescription do give them such an universal cognizance or jurisdiction. Queen Elizabeth declared herself oftener than once in this point. In her first Parliament (when in reason she should be most tender), to the Speaker and the body of the House of Commons, out of their loves humbly moving her to marriage, she answered, that "she took it well, because it was without limitation of place or person; if it had been otherwise, she must needs have misliked it, and thought it a great presumption, for those to take upon them to bind and limit, whose duties were to obey[a]."

[3. His third exception; — that the king limits the office of Parliament to advice.]

The third exception is, the king saith, "they must merely counsel" and "not command" (a strange charge if you mark it), for "it is impossible that the same trust should be irrevocably committed to" the king and his "heirs for ever, and yet" (that very trust and) "a power above that trust . . be committed to others[b]."

The Observer answers, first (little to the purpose), that though there "cannot be two supremes," yet the king is "*universis minor*"—less than the collective body of his subjects, "as we see in all conditionate princes, such as the Prince of Orange, &c.[c]" His maxim,—that the king is "*singulis major, universis minor*[d]" (except the king himself be included in the "*universi*"),—hath been shaken in pieces before. The law is plain;—"The king's most royal Majesty, of mere droit and very right, is very head, king, lord, and ruler of this realm[e]." And doth he now intend to include the king of England in his "&c.," among "conditionate

[a] [D'Ewes, Journ. Parl., p. 46.]

[b] [Observations, &c., p. 8, from same answer, Exact Collect., p. 287.]

[c] [Ibid.]

[d] [Borrowed from Languet's Vindiciæ. See above, p. 325. note g.]

[e] 27 Hen. VIII. c. 26. [§ 1.]

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princes?" Take heed, Sir; this will prove a worse "&c.," than that in the late canons[f]. Secondly, he answers, that though the king's power be "irrevocable," yet it is not universal; the people "have reserved something to themselves out of Parliament, and something in Parliament[g]." It were to be wished, that he would distinctly set down the particular reservations; "a deceitful man walks in generalities." Still the Observer dreams of elective kingdoms, where the people have made choice either of a person or a family. To us it is nothing. They that give nothing, can reserve nothing. "Trusted," and yet "reserved?" How the Observer joins griffins and horses together! If "trusted," how "reserved?" If "reserved," how "trusted?" But how doth the Observer prove either his "trust" or "reservation?" Nay, it is a "tacit trust." In good time; so he proves his intention by a company of dumb witnesses. In conclusion, his proof is, that it is a part of the law of nature[g]. A trim law of nature indeed, which is diametrally opposite to the law of God and of nations. The Observer deals in this, just as if he had a kinsman died testate, and he should sue for a part of his goods, and neither allege the will nor codicil nor custom of the country, but the law of nature only, for a legacy.

Next the Observer raiseth a new argument out of his Majesty's words,—"a temporary power ought not to be greater than that which is lasting[g]." This is first to make dragons and then to kill them; or as boys first make bubbles in a shell, and then blow them away without difficulty. The sinews and strength of his Majesty's argument did lie in the words, "to him and to his heirs," and not in the word "above;" but if he will put the word "above" to the trial, if he reduce it into right form, it is "above" his answer. To give a power "above" his Majesty, sufficient to censure his Majesty, to a body dissolvable at his Majesty's pleasure, is absurd and ridiculous: as if the king should delegate judges to examine and sentence the Observer's seditious passages in this treatise, and yet withal give power to the Observer to disjustice them at his pleasure: in such a case he need not much fear the sentence. The Observer pleads two things in

[f] [Scil. the Canons of 1640, can. 6. 794.] See Collier's Ch. Hist., vol. ii. pp. 793,

[g] [Observations &c., p. 8.]

answer to his own shadow: first, that then "the Romans had done unpoliticly," to give greater power to a temporary dictator than to the ordinary consuls; secondly, that it was "very prosperous to them sometimes to change the form of government, neither always living under circumscribed consuls, nor under uncircumscribed dictators[k]." We see what his teeth water at: he would have his Majesty a "circumscribed consul," and gain an arbitrary dictatorian power to himself and some other of his friends. But in the mean time he forgets himself very far in his history: for, first, the power of the dictator and of the consuls was not consistent together, but the power of the king and the Parliament is consistent: secondly, the change of government was so far from being "prosperous" to the Romans, that every change brought that state even to death's door;—to instance only in the expulsion of their kings, as most to the purpose, how near
563 was that city to utter ruin, which owes its subsistence to the valour of a single man, Horatius Cocles; if he had not after an incredible manner held a whole army [in] play upon a bridge[l], they had paid for their newfangledness with the sacking of their city:—thirdly, the choosing of a dictator was not a "change" of their government, but a branch of it; a piece reserved for extremest perils, their last anchor and refuge, either against foreign enemies, or the domestic seditions of the *Patricii* and *Plebeii;* and is so far from yielding an argument against kings, that in the judgment of that politic nation it shews the advantage of monarchy above all other forms of government.

The Observer still continues his Majesty's objection;—to make the Parliament "more than counsellors," is to make them his "commanders and controllers;"—to which he answers,—"To consent is more than to counsel, and yet not always so much as to command, . . for in inferior courts the judges are so counsellors for the king, that he may not countermand their judgment, yet it were a harsh thing to say that therefore they are" his "controllers," much more "in Parliament, where the Lords and Commons represent the whole kingdom[m]." If there were no other arguments to

[k] [Ibid., pp. 8, 9.]
[l] [Tit. Liv., ii. 10.]
[m] [Observations, &c. p. 9.]

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prove the superiority of Parliament above the other courts than this, that it represents the kingdom as they do the king, it would get little advantage by it. "To consent is more than to counsel, and yet not always so much as to command." True, "not always;" but to counsel so as the party counselled hath no liberty left of dissenting, is always either "as much as to command" or more. A man may command and go without; but here is only advice, and yet they must not go without. What a stir is here about consent! If he understand consent in no other notion than laws and lawful customs do allow, it is readily yielded, but makes nothing to his purpose. One said of Aristotle, that he writ waking, but Plato dreaming; the one had his eyes open and considered men as they were indeed, the other as he would have them to be; but if ever man writ dreaming, it was this Observer. His notes may serve rather for the meridian of New England than Old England, and of Utopia rather than them both. He calls the judges the king's counsellors, as if they were not also his delegates, deputies, and commissioners; what they do, is in his name and his act; yet, if they swerve from justice, he may grant a review and call them to account for any misdemeanour by them committed in the exercise of their places; and this either in Parliament or out of Parliament. But the inference hence,—that because the Parliament may take an account of what is done by his Majesty in his inferior courts, therefore much more of what is done by him without the authority of any court,—seems very weak. It is one thing to take an account of himself, another to take an account of his commissioners. His Majesty hath communicated a part of his judiciary power to his judges, but not the flowers of his crown, nor his entire prerogative; whereof this is a principal part, to be free from all account in point of justice, except to God and his own conscience.

[4. His last exception;—that the king makes a Parliament without his consent to be no Parliament.]

The last exception is, that the king makes the Parliament "without his consent," a "liveless convention without all virtue and power;" saying, that "the very name of Parliament is not due unto them:" which "allegation" (saith the Observer) "at one blow confounds all Parliaments, and subjects us to as unbounded a regiment of the king's mere will, as any nation under heaven ever suffered under; for, by the

same reason," that "the king's desertion of them" makes Parliaments "virtueless and void courts," he may make "other courts" void likewise[n]. Here is a great cry for a little wool. If he proves not what he aims at, yet one thing he proves sufficiently, that himself is one of the greatest calumniators in the world, in such gross manner to slander the foot-steps of God's Anointed. "*Agnoscas primogenitum Sathanæ.*" Where did ever the king say, that Parliaments without his presence are "virtueless and void courts?" But he denieth them the name of Parliaments, which is all one. Yes, if a goose and a feather be all one. The name Parliament with us signifies most properly the "parly" of the king and his people; in a secondary sense it signifies a parly of the subjects among themselves; neither of these "virtueless," but the one more vigorous than the other. So the body is sometimes contradistinguished to the soul, and includes both head and members; sometimes it is contradistinguished to the head, and includes the members only. It is one thing
564 to be a true Parliament, and another to be a complete Parliament, complete to all intents and purposes, and particularly in respect of the legislative power. In this latter sense only his Majesty denies it, and in this sense the Observer dares not affirm it. To dispute about the name, is a mere logomachy; and from the name to infer this height of power, is a trifling homonymy. But the Observer will either be "Cæsar or no body;" either all power, or no power: just like a little child, who if he wants some one thing he desires, throws away all he hath, and falls a crying. To his fear of his Majesty's deserting his other courts, he may as well fear his deserting of himself. This may go amongst the rest of his improbable possibilities, which never were, never will be, deduced into act. If he will admit no institution which is subject to any abuse, he must seek for precedents in the new world of the moon.

Here he takes occasion to declaim against our new "masters of division;" whose founder is "Machiavel;" their "rule, *Divide et impera;*" their first erection was "since the third of November, 1640[o];" his Majesty is the principal of the

[The Observator's charges against the Royalists, as "masters of division."]

[n] [Observations &c., pp. 9, 10.]

[o] [Ibid., p. 10. Scil. the day when the long Parliament began to sit.]

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College, "whose papers" (saith the Observer) are "freighted scarce with any thing else but such doctrine of division, tending to the subversion of our fundamental constitutions," yet "find such applause in the world[p]." His plea against them consists of a fourfold charge: first, they have divided "between the king and the Parliament;" secondly, "betwixt the Parliament and the kingdom[p]," "withdrawing themselves from their representatives," yet "there is nothing under heaven" (if we may trust him), "next to the renouncing of God, can be more perfidious and more pernicious to the people than this[q];" thirdly, by dividing between the Parliament and a part of the Parliament; and, fourthly, "in the major part, between a faction misleading and a party misled[r]." Who reads this, and would not take the Observer for another Caleb or Constantine for peace-making? whereas in truth all this is but a personated passage of Demetrius, or one of his craftsmen, railing against the town-clerk of Ephesus as a ringleader of division, and a disturber of them in their service to Diana, the idol of their own brains, and a hinderer of them in "doing God's own work," that is, shedding the blood of the ungodly Apostles; and is done with the very same grace that Athaliah cried out, "treason, treason."

[Numb. xiii. 30.] [Acts xix. 23—41.] [2 Kings xi. 14.]

"Sic oculos, sic illa manus, sic ora ferebat[s]."

He is ever snarling at his Majesty's "papers;" and I do not much blame him; for where these "papers" have had free passage, they have swayed down the scale of men's judgments with the weight of unanswerable reason, that this Observer and all his fellows may compare their notes, and put their hands and heads and shoulders and all together, and never be able to lift it up again to an equilibrium. If they could have purchased every "paper" of them at the same price that the Romans gave for the Sibyl's books, it would have been well bestowed for their cause, to have them suppressed. I plead not for "masters of division;" God's abomination, the Devil's factors, the bane of the commonwealth; "*Da unum et habebis populum; tolle unum, et habebis turbam.*" It was not Philip, but the dissensions of Athens, Thebes, Sparta, that destroyed Greece. It was not

[p] [Ibid.]

[q] [Ibid., p. 16. "pernicious *in* the people."]

[r] [Ibid., p. 10.]

[s] [Virg., Æn., iii. 490.]

Scipio, but the factions of Hannibal and Hanno, that destroyed Carthage. We have had too many such "masters of division" indeed. Our schisms in the Church proclaim it. The question is not now of round or square, or black or white, or sitting or kneeling: our burying and marrying, our christening, our communicating, are all questioned; our churches, our Holy Orders, our public Liturgy, the Lord's Prayer, the Creed, our Scriptures, the Godhead of Christ, the doctrine of the Trinity, all our fundamentals, are questioned. It is not twins, but litters, of heretics, that struggle in the womb of the Church; Disciplinarians, Independents, Brownists, Anabaptists, Familists, Socinians, &c. [Gen. xxv. 22.]

"—— pudet hæc opprobria nobis,
"Et dici potuisse, et non potuisse refelli [t]."

Our sedition in the state proclaims it; whilst some are for
565 the king, some for the Parliament; some for the law, some for arbitrary government; some for a monarchy, some for democracy. The superiority of the king or Parliament is questioned; the king's negative voice is questioned; the right of the Militia is questioned; the privileges of Parliament, the liberty of the subject, every thing, is questioned. Thus, to use the Observer's words, "those rocky foundations are razed, upon which this state hath been so happily settled for so many ages now past;" the "pillars of law and policy" (and religion) "are taken away, and the state" (and Church) "set upon a new basis [u]." Each day produceth new opinions, new precedents, new questions. And woe be to those men, who are not only occasionally, but intentionally, the authors of these divisions. They are guilty before God of all that blood, which is poured out like water upon the face of the earth, of all that spoil which is committed. "Better were it for them that a mill-stone were hanged about their necks, and they cast into the bottom of the sea." How deep the Observer's share is herein, I leave it to his own conscience. This is certain, a man may keep his possession by force, but he that shall go about to thrust another out of his lawful possession, is the true author of the tumult; and whatsoever he suffers, he can blame no man but himself. [Luke xvii. 2.]

[t] [Ovid., Metam., i. 758, 759.]

[u] [Some Few Observations upon His Majesties late Answer to the Declaration or Remonstrance, &c., of the 19th of May 1642, pp. 5, 9.]

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[Retorted upon his own party.]

Now to your four charges. First, who divided the king and Parliament. There may be a query of others; but it is beyond all question, that those base tumults and disorders at Westminster, and upon the Thames[x], tending to the danger of his Majesty's person, but much more as they were unsufferable affronts to sacred Majesty, and all those who are accessary to them, as contrivers, fomenters, or connivers, are the principal grounds of this cursed division. They that make two supremes coordinate one with another, make a "division" with a witness. Next, for your separation between the Parliament and the kingdom. First, your mouth runs over extremely, when you call it the most "pernicious" thing that can be, "next to the renouncing God;" we have stricter obligations to others than to our proctors. Secondly, to regulate their trust, according to their first intentions and former precedents, is not to "withdraw representation:" if it were, who taught it them, but those who first practised the same to their king? But that you may clearly discern who are the authors of this separation, hear a near friend of yours in his Plain English, or rather plain sedition: thus he,—"If ever the Parliament should agree to the making up of an unsafe unsatisfying accommodation, this will beget a new question, . . whether, in case the representative body cannot or will not discharge their trust, to the satisfaction not of fancy but of reason in the people, they may resume (if ever yet they parted with) a power to their manifest undoing, and use their power so far as conduceth to their safety[y]." You see the high and ultimate judicature is neither now the king's nor the Parliament's. Your third division is between the Parliament, and a part of it. Of this charge they are guilty, who made the distinction of good and bad Lords, of well-affected and ill-affected members[z]. The votes of absentees doubtless, by the law of nations, devolve to those that are present; but if the place of the assembly be not free, if the absence be necessitated by unjust force or just fear, the case is otherwise. Your fourth division is, "between the major

[x] [On occasion of the return of the five accused members to Westminster, Jan. 11, 1642-3.—Clarend., bk. iv. vol. ii. pp. 164, 165. 8vo. ed.]

[y] [Plain English, or, A Discourse concerning the accommodation, the armie, the association, printed (unlesse men be the more carefull and God the more mercifull) the last of liberty, p. 20, anno 1643. 4to.]

[z] [See Clarend., bk. iv. vol. ii. pp. 212—214. 8vo. ed.]

part misled, and a faction in the major part misleading." I wonder you should think this so impossible. Near instances may be dangerous; let us look upon the great Council of Ariminum: the question was of no less consequence than the Deity of Christ; "the major part" of the Council voted for the Arians; and in the major part, the "misleading faction" were but few, the well-meaning party were far the more, but misled by the subtle manner of proposing the question,—"whether they would have Christ or Homoousios,"—which neither being discussed nor understood as it ought to have been, they voted wrong, and repented at leisure[a].

[His parallel case of husband and wife.]

In the last place, you distinguish "between deserting and being deserted;"—"If the wife leave her husband's bed, and become an adulteress, 'tis good reason she lose her dowry; but if her husband causelessly reject her, it is injustice she should suffer any detriment[b]." Your case is true as you propose it; but suppose the adulteress should stay at home, and outbrave her husband, or by her power in the family
566 thrust him (good man) out of doors; suppose she should refuse to cohabit with him, except she may be master, and do what she will without controlment, and forget her matrimonial vow of obedience. This alters the case.

SECTION THE EIGHTEENTH.

Observ.—"Now of that right which the Parliament may do the king by counsel. If the king could be more wisely or faithfully advised by any other court, or if his single judgment were to be preferred before all advice whatsoever, it were not only vain, but extremely inconvenient, that the whole kingdom should be troubled to make elections, and that the parties elected should attend the public business[c]."

[Parliament useful, both as counsellors, and for other ends than counsel.]

Answ.—We have had both "counsel" and "consent" before, but now we must have them again. The questions raised by the Observer are of such an odious nature, that no good subject can take delight in them; whose duty is, to pray for the like consent among the several orders of this

[a] [Rufin., Hist. Eccl., lib. i. c. 21.—Aug., Opus Imp. Contra Julian., lib. i. c. 76; tom. x. p. 919. F.]

[b] [Observations &c., p. 10.]

[c] [Ibid., pp. 10, 11.]

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kingdom, that is supposed to be among the several orbs of heaven. His Majesty is undoubtedly the '*primum mobile*' (whatsoever the Observer in sundry parts of this treatise prattle to the contrary[d]). The two Houses of Parliament, the great and privy council, are the lower spheres; which, by their transverse yet vincible motions, ought to allay the violence of the highest orb for the good and preservation of the universe. Where there are no such helps and means of temper and moderation, there liberty is in danger to be often trodden under foot by tyranny. And where these adjuments, by the unskilfulness or sinister ends of some young or ambitious Phaetons, become impediments, by a stiff, froward, and unseasonable opposition, instead of a gentle vincible reluctation, it sets the whole body politic in a miserable combustion[e]; as daily experience shews. But I must trace the Observer.

The calling of Parliaments is not "vain" and "inconvenient;" but his inference is vain and inconsequent. There are other ends of Parliaments besides "counsel;" as, consenting to new laws, furnishing the public with money (the nerves and sinews of great actions), maintaining the interest of the kingdom, and liberty of the subject. From removing one social end to infer that an action is superfluous, deserves no answer but silence and contempt.

Secondly, even in point of advice, there is more required in a good counsellor than natural wisdom and fidelity. Our fancies are not determined by nature to every thing that is fit for us, as in birds and beasts; but we must serve apprenticeships to enable us to serve one another. There is a thing called experience, of high concernment in the managery of public affairs. He that will steer one kingdom right, must know the right constitution of all others, their strength, their affections, their counsels and resolutions, that upon each different face of the sky he may alter his rudder. The best governments have more councils than one: one for the public interest of the kingdom, another for the affairs of state; a council for war, and a council for peace: and it were strange if it were not as requisite to have a council for the Church.

[d] [See e. g. p. 16.]

[e] [A phrase perpetually employed by the Parliament, in their papers.]

Every man deserves trust in his own profession. Many are fittest for resolving; few for managing. The exigence of things requires, sometimes secrecy, sometimes speed. We see the House of Commons, though they be but deputed by the people (and a delegate cannot make a delegate, where their right is in confidence rather than in interest), yet they have their committees, and a council in a council. Neither are all Parliaments of the same temper, if we may believe Sir Henry Wotton (one that was no fool): thus he;—"In the eighteenth of King James, many young ones being chosen into the House of Commons, more than had been usual in great councils, (who though of the weakest wings, are the highest flyers,) there arose a certain unfortunate, unfruitful spirit in some places, not sowing, but picking at every stone in the field, rather than tending to the general harvest[f]."

Thirdly, let them be as wise and as faithful counsellors as the Observer pleaseth, only let them be but counsellors. Let their conclusions have as much credit as the premisses deserve; and if they can necessitate the prince to assent by weight of reason, and convincing evidence of expedience, let them do it in God's name. "*Necesse est, ut lancem in librâ ponderibus impositis deprimi, sic animum perspicuis cedere*[g]." But I hope they will never desire to do it out of the authority of their votes; or obtrude a conclusion on his Majesty, before he understand how it is grounded upon the premisses. This seems
567 to be the same, which the Disciplinarians would impose upon the king in the government of the Church,—to be the executor of their decrees. His respect to their judgment ought to make him tender in denying, but infers no necessity of granting.

Fourthly, I wonder the Observer is not ashamed to tell of his Majesty's preferring his single judgment before all advice whatsoever, when the Observer chargeth him with following the advice of his cabinet council, when he hath his privy council with him, when in the great council, if they might meet freely, he believes that two third parts approve of his doings. Are the most part of the nobility and gentry of this kingdom nobody? Are the flower of the clergy and

[f] [Parallel between the Earl of Essex and the Duke of Buckingham, by Sir H. Wotton; in his Reliquiæ, p. 13. ed. 1651.]

[g] [Cic., Tuscul., v. 17.]

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Universities nobody? Are so many grave and solid lawyers nobody? So many of the loyal commons nobody? Sir, you do see, and you will see daily more, that his Majesty is not single in his course.

Lastly, it is the part of good counsellors, to present their whole advice together; what they desire to remove, and what they desire to introduce; as well what they desire to build up, as what they desire to pull down. So the Observer himself pleadeth in another case,—"Before we demolish old structures, we ought to be advised of the fashion of new[h]." His Majesty hath required one entire full view of their demands, that he might judge more perfectly what to assent to, and what to advise further upon[i]. This is a sure way not to be over-reached,—not to cut down an old tree before there be a new one ready to be planted in its place. Many men will agree in the destructive, which will never agree in the constructive part. The old senators, first of Capua and after of Florence, found this to be true by experience: the people did not agree so well in taking them away, but they disagreed ten times as much in the choice of new; and they that were voted down whilst they looked upon them positively, were voted to stand when they looked upon them comparatively; they were not so worthy as they desired, but much more worthy than those that should be subintroduced[k]. To instance in the case of the Church: there are many schismatical factions at this day; never a one of these can have their own ends except the present government be taken away; so far they agree: yet, if it should be taken away, not one of six should have his own ends; here of necessity they must fall in pieces, and in probability will cry out with the Capuans and the Florentines, "The old is the better of the two." If every man's single suffrage were ascertained to his proper object, as it is in the election of our knights and burgesses, we should soon see who would have most voices: and perhaps the old (in a free meeting) might have more than all the new put together.

[h] First Observat., [Few Observations &c.,] p. 3. [See above p. 401. note u.]

[i] [See "His Majesties Message" of Jan. 20, 1641, 2; in the Exact Collection, pp. 54, 55.]

[k] [See Tit. Liv., xxiii. 3, 4; and Hallam, Middle Ages, c. III. Pt. ii. pp. 443—446, from Machiavelli, Istor. Fiorent.]

SECTION THE NINETEENTH.

Observ.—"But little need to be said; I think every man's heart tells him, that in public consultations the many eyes of so many choice gentlemen of all parts see more than fewer[l]."

Answ.—'Tis not sufficient for an adviser to see, unless he can let another see by the light of reason. A man ought not implicitly to ground his actions upon the authority of other men's eyes, whether many or few; but of his own. "Many see more than few." True, '*cæteris paribus*'—if 'all things be alike;' or, otherwise, one physician may see more into the state of a man's body than many empirics, one experienced commander may know more in military affairs than ten fresh-water soldiers, and one old statesman in his own element is worth many new practitioners; one man upon a hill may see more than a hundred in a valley. But yet, if all things be alike, you will say "many eyes see more than one." They do so commonly, but not always. One Paphnutius did see more in the Council of Nice, than many greater clerks[m]. How often have you seen one or two men in the Parliament change the votes of the House? Certainly the "eyes of so many choice gentlemen" see the grievances of the kingdom better than any other council; that is their proper object. [Many do not always see more than few.]

SECTION THE TWENTIETH.

Observ.—"And the great interest the Parliament has in common justice and tranquillity, and the few private ends they can have to deprave them, must needs render their counsel more faithful, impartial, and religious than any other[n]."

Answ.—The interest is the kingdom's and each subject's. To be Parliament men adds to their trust, not to their interest. [Parliament not more inter-

[l] [Observations, &c., p. 11.]

[m] [Viz. upon the subject of the celibacy of the clergy. See Sozom., Hist. Eccl., lib. i. c. 23; and Socrat., Hist. Eccl., lib. i. c. 11.]

[n] [Observations &c., p. 11.]

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ested than other subjects in justice and tranquillity.]

The Observer's grounds are presumptuous, and tend only to beget an implicit confidence: what men's private ends are, is not known to us but to God above. This we know, that 568
good ends cannot justify bad means, nor bad actions. Men may have good ends, and yet be led hoodwinked by others, whose ends are worse: and private ends will steal upon well-affected men. Discontent works strongly upon some, vainglory upon others; delinquents may aim at their own impunity, and timorous persons at private security. But this is to be left to God, that is "the searcher of hearts."

[1 Chron. xxviii. 9.]

SECTION THE TWENTY-FIRST.

Observ.—"That dislike which the Court has ever conceived against Parliaments, without dispute is a pregnant proof of the integrity and salubrity of [that] public advice, and is no disparagement thereof, for we have ever found enmity and antipathy betwixt the Court and the country[o]."

[Courtiers, as well as country-men, on the Parliament's side.]

Answ.—If you make a strict survey of the Parliament's party, I believe you will find as many courtiers as country-men (proportion for proportion). To see the revenues of the crown be not diminished by needless profusion, to see his Majesty be not prejudiced in the accounts of his officers, to take away monopolies, and the like, are the proper works of Parliaments, and in probability cannot be so pleasing to some courtiers: but this is far from a fancied omnipotence. Here he falls into his old complaint of the people's not adhering to the Parliament, but we have had this dish oft enough upon the table.

SECTION THE TWENTY-SECOND.

Observ.—"The king says, 'Tis improbable and impossible that his cabinet counsellors, or his Bishops, or soldiers, who must have so great a share in the misery, should take such pains in the procuring thereof, and spend so much time, and run so many hazards, to make themselves slaves and to ruin

[o] [Ibid., p. 11.]

the freedom of this nation.' How strange is this! We have had almost forty years' experience, that the Court-way of preferment has been by doing public ill offices; and we can nominate what dukes, what earls, what lords, what knights, have been made great and rich by base disservices to the state; and except Master Hollis his rich widow, I never heard that promotion came to any man by serving in Parliament, but I have heard of trouble and imprisonment. But now see the traverse of fortune; the Court is now turned honest; . . and there is no fear now, but that a few hypocrites in Parliament will beguile the major part[p]." And page 23.—"The whole kingdom is not to be mastered against consent by the train bands, nor the train bands by the lords or deputy lieutenants, nor they by the major part in Parliament, nor the major part in Parliament by I know not what septemvirate. There is some mystery in this which seems yet above if not contrary to nature; but since the king hath promised to open it, we will suspend our opinion, and expect it as the final issue of all our disputes[q]." And page 22.—"We are now at last fallen upon an issue fit to put an end to all other invectives whatsoever; let us stick close to it. The king promiseth very shortly a full and satisfactory narration of those few persons in Parliament, whose design is, and always was, to alter the whole frame of government both in Church and state, and subject both king and people to their own arbitrary power and government. A little of this logic is better than a great deal of rhetoric, as the case now stands. If the king will please now to publish the particular crimes of such as he hath formerly impeached of treason, and the particular names of such as now he sets forth in those characters, and will therein refer himself to the strength of his proofs, and evidences of his matter, it is impossible that any jealousy can cloud his integrity, or check his power any longer[r]." *Et eâdem paginâ.*—"By the performance of this promise, he shall not only do right to himself, but also to the whole kingdom; for the distracted multitude, being at last by this means undeceived, shall prostrate themselves and all their power presently at his feet[s]."

[p] [Ibid. From his Majesty's Answer to the Declar. of May 26., in Exact Collect., p. 284.]

[q] [Ibid., p. 31.]

[r] [Ibid., pp. 30, 31.]

[s] [Ibid., p. 31.]

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[Serving the Parliament, not the Court, the way to promotion lately.]

Answ.—There is no dealing with the Observer without a notary public and good store of witnesses. "The king says," so he: "The contrivers of the Declaration" say, so the king. It is nothing to mistake an objection for a position: but it is something more to thrust in "cabinet-counsellors, Bishops, and soldiers;" though I suppose never a one of these will love their profession the worse for a dash of his tongue or pen[t]. Are there none for the king but those whom he terms in disgrace "cabinet-counsellors, Bishops, and soldiers?" He will find many as eminent for piety, virtue, wisdom, courage, nobility, estate, as our British world affords; such as want no titles, no means that the condition of a subject is capable of; or, if they did, need not make use of such oily ways to slip into preferment. Admit some few have raised themselves by sinister courses, what are they in comparison of such a cloud 569
of worthies, but as the gleanings to the vintage?

"Apparent rari nantes in gurgite vasto[u]."

He saith he can name "dukes, and earls, and lords, and knights;" if he can, let him look where he finds them now; they that can serve the time dexterously, will apply themselves to one as well as another. I am not so wilfully blind as not to see, that some have ingratiated themselves by dissembled goodness, or by such services as are not warrantable by law, though then they were justified by the professors of the law: much less am I so childishly credulous, to believe all those hideous lies, which envy or self-love hath cast upon favourites or public ministers of state. Now, to let us see he can shoot short as well as over, he tells us, that he "never heard that promotion came to any man by serving in Parliament." If he did not, it is because he hath stopped his ears and hoodwinked his eyes when he looked that way; otherwise he might have seen, both in this Parliament and former Parliaments within forty years, honours, offices, and estates, gained either by service in Parliament, or disservice, or both; though I do not love to particularize, as the Observer doth. Some men's advancements do shew it is a good way to get

[t] [The passage in King Charles' answer stands thus,—"And now apply the argument the contrivers of that Declaration make for themselves, 'Is it probable, or possible, that such men whom we have mentioned, who must have so great share,'" &c. &c.]

[u] [Virg., Æn., i. 118.]

preferment, to put the king "to a necessity of granting[v]." Good woodmen say, that some have used deer-stealing as an introduction to a keeper's place; and I have seen a nonconformist's mouth stopped with a good benefice, as if he did but shew them before, that if he were not satisfied he could gape as wide as his neighbours. DISCOURSE II.

Next, he makes it near a prodigy, "a mystery above if not contrary to nature," that "a few hypocrites should beguile" the Parliament, or "the major part" be mastered by a "septemvirate." I will not argue with the Observer '*utrum sit*'—'whether it be so;' my reverence to the great council of the kingdom pulls me by the ear; but '*utrum possit*'—'whether it may be so.' Then, for the present, we will change the scene to Greece or Italy. And I wonder why the Observer should think it so strange, that few should have an influence upon many, or that affections and passions, love, hatred, fear, hope, grief, &c., should betray men's judgments. Let him peruse all histories, and take a view of all free states and senates, as Rome, Areopagus, Delphos, &c., Consular, Tribunitian, Pretorian, &c., of all kinds; and he shall find siding, and faction, and packing, and conniving, and an implicit dependence of many followers upon few leaders. He may be pleased to remember the brag of an Athenian boy, that his father ruled all Athens, his mother ruled his father, and he ruled his mother[w]. There are many dames in the world, that would think much not to have as great an influence, either upon their husbands or the state, as Madam Themistocles had. Even say, Sir, do you think that private quarrels and the memory of former sufferings did never work upon any man? that discontent and envy at other men's preferment (whom they conceived to be less deserving than themselves) did never transport some others further than the bias of judgment did draw them? that fear of the lash and a desire to secure themselves hath never forced any men to personate a part from the teeth outwards? that great offices and honours have never been a pearl in any men's eyes, to hinder their sight (though like lapwings they made least noise when they were nearest their nests)? that others have never been like organ-pipes, to whom the wind of popular applause hath only given

[No unnatural thing, that the few should master the many.]

[v] [Lord Brook's Speech, p. 6. See above p. 303. note g.]

[w] [Plut., in Vitâ Themistoclis, tom. i. p. 267. ed. Bryant.]

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a sound? Is it never possible for a party, who have premeditated their parts, and before their design be discovered, to exclude or vote out those whom they conceive to be their opposites, upon some pretences or others (suppose of an unlawful election, or being monopolists, or the like)? I say nothing of the bewitching power of oratory, nor of that sheepish humour of following the drove, nor of the vehement impression that fancied dangers make in some men, as of him that died in an innocent bath, when the by-standers only told him, that his heart's blood was coming out now. But you may say, these will never hold on to the journey's end. Though we often see, that when men are too far engaged, have passed the waters of Rubicon and cannot retire with safety, they grow desperate and run headlong upon the mouth of the cannon; yet, considering the gracious disposition of our 570
[Luke xv. 6.] dread sovereign, whose joy it is, as it was his Saviour's, to "find the sheep that was lost," I do verily believe they will not hold on to the last indeed. Why should they lose themselves, to be laughed at for their labour by them that had other ends than they? But yet, till this departure be, they make one body visibly. When the body natural is infested with contrary distempers, that which is used as a good cure for the one, may be poison to the other. So, in the body politic, they who are aptly chosen for the remedy of one grievance, suppose the violation of liberty, may be most unfit, and never would have been chosen, for the settlement of religion. In sum, the Observer's argument may be thus paralleled;—It is not discernible, how the whole city and state of Athens could be mastered by a militia, consisting but of three thousand; or those three thousand by the major part of thirty tyrants; or the major part of thirty by Critias and one or two more;—or thus;—It is not discernible, how the world should be mastered by Italy, or Italy by Rome, or Rome by I know not what triumvirate. A very poor "Mercury" may "reconcile" the Observer's "understanding" in this[x], if he be pleased. A trained band of eighty or a hundred thousand fighting men, well armed, well exercised, are able to master a greater kingdom than England. Armies are not so soon raised, armed, disciplined. He that is ready for the field, may easily suppress another upon his first motion, or but

[x] [Few Observations &c., p. 6.]

offering to stir. It is as easy to conceive, how the train-bands may be at the disposition of their commanders, who pay them, reward them, punish them; and it is certain, that they who have the naming of them, will choose such as they may confide in. The Observer talks much of nature; what arms hath nature given but teeth and nails? These will do little service at push of pike, or against a volley of musquets.

[The issue accepted by his Majesty.]

This brings us to the issue which is propounded by the Observer, and is accepted by his Majesty, which may "put an end to all other invectives." God grant it may prove true; we see no signs of it yet. The Observer saith, "Let us stick close to it;" and I say, he that starts from it, let him be reputed guilty of all the innocent blood that is shed. He adds, "Which will bring the distracted multitude" to "prostrate themselves at his" Majesty's "feet." Alas! the countenance is not always to be credited, but speech is the arch-deceiver. If this be not a vain flourish, an empty airy offer, but meant in good earnest, there is hope we may be happy. His Majesty hath satisfied this demand long since, by his Declaration of the 12th of August, 1642, and yet we find not these fruits here promised with so much confidence. He hath named the parties; he hath specified the crimes. Take the accusation in his own words.—1. "Of entering into a solemn combination for altering of the government of Church and state." 2. "Of designing offices to themselves and other men." 3. "Of soliciting and drawing down the tumults to Westminster." 4. "Of bidding the people in the height of their rage and fury go to Whitehall." 5. "Of their scornful and odious mention of" his Majesty's "person." 6. Of a "design to get the prince into their hands." 7. "Of treating with foreign power to assist them[y]." He is willing also "to refer himself to the strength of his proofs, and evidence of the matter," which is all the Observer desires. Hear him for that also,—"We desire, that the L. K., M. H., M. P., M. H., Sir A. H., M. St., M. M., Sir H. L., A. P., and C. V., may be delivered into the hands of justice, to be tried by their peers, according to the known law of the land; if we do not prove

[y] ["His Majesties Declar. to all his loving subjects concerning the proceedings of this present Parliament, Aug. 12. 1642:"—in the Exact Collection, &c., p. 534.]

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them guilty of high treason, they will be acquitted, and their innocence will justly triumph over us[z]." Now if they desire to shew themselves great patriots and lovers of their country indeed, here is a fair opportunity offered, if they have as much courage as Codrus had, to leap into the gaping gulf of division, and to reduce the kingdom to its former continuity and unity. If they dare trust to the touchstone of justice, and if the bird in their breast sing sweetly to them that they are innocent, here is a course provided, whereby they may vindicate their good names, and out of the feigned reports of malignant sycophants, make themselves a triumphant garland or crown of lasting honour. But we see no haste. I know not men's hearts. There is an unhappy story in Plutarch (but I dare not apply it), of Pericles, a stickler in the Athenian commonwealth, who being busy and private in his study, to make his account to the state, was advised by his nephew Alcibiades (it was pestilent counsel), rather to study how to make no accounts[a]; which he did effect by engaging the 571
commonwealth in a war, so as they had no leisure to call for his accounts after that.

[Privilege of Parliament pleaded against it by the Observator.]

There can be nothing pleaded in bar to the performance of this proposition, but the privilege of Parliament. A great plea indeed. So the Observer,—"That none of the members of the Parliament may be apprehended in case of suspicion, where no information or witnesses appear to make good the prosecution, without acquainting the Parliament, if leave may be conveniently obtained[b]." He adds, that "by the same act the whole House might have been surprised[b];" and in another place, that by this means "the mere imputation of treason shall sweep away a whole Parliament[c]." And his reason is thus grounded,—that if way be given to this, so many members of either House may be taken away at any time, upon groundless pretences, as may make a major part of whom they will, and then farewell to the freedom of Parliaments:—which truly seems to be urged with great show of

[z] [Scil., "the Lord Kimbolton, Master Hollis, Master Pym, Master Hampden, Sir Arthur Haselrigge, Master Strode, Master Martin, Sir Henry Ludlow, Alderman Pennington, and Captain Venne." Ibid., pp. 561, 562.]

[a] [Plut., in Vitâ Alcibiadis, tom. ii. pp. 11, 12. ed. Bryant.]

[b] [Observations &c., p. 33.]

[c] [Ibid., p. 47. And see the Remonstrance of May 26, 1642, in the Exact Collect. p. 278.]

equity, where the parties are taken away by dozens, or greater numbers, and the trial is long deferred to serve a turn. You shall find the same argument used and pressed after the same manner by Stephen Gardiner to the Parliament; alleging, that nothing could be "of worse example," than to "allow such a precedent," that by that means "it shall be at the pleasure of him that ruleth to do the same in more[d]." But for all that we do not find, that either the Parliament did afford him relief, or were sensible of any such danger. Doubtless it stands both with natural equity and the known law of the land, that they who have the honour to be the great council of the king and kingdom, should have all such privileges and immunities as are conducible to the furtherance of those ends for which they are convocated. Such are free access and recess; to be exempted from attendance upon inferior courts, so long as they are in that employment; to have their servants free from arrests, that whilst themselves are busy about the great affairs of the commonwealth, their estates and occasions may not suffer in their absence; and that universal privilege of all counsellors, that whilst their intentions are real, they should not be questioned for a slip of the tongue or a mistake in their judgments. We see ordinary courts do not only protect their ministers of justice in the exercise of their places, but even those witnesses which are summoned to appear before them. A clerk of the Chancery cannot be called to any other court to answer in any cause, that is cognoscible in that court.

Anno 1549.

But here are sundry things considerable: as, first, that his Majesty is the true fountain of these privileges, not any mutual compacts. This is plain by that petition, which Sir Thomas More (then speaker for the House of Commons) made in his oration to King Henry the Eighth, which I think hath been observed by all speakers that ever were since,—"That if in communication or reasoning any man in the Commons' House should speak more largely than of duty they ought to do, that all such offences should be pardoned[e]."

[1. The king the source of these privileges.]

Secondly, these privileges ought not to be destructive to the essence, or fundamental ends, or right constitution of Parliaments: and such a privilege is that the Observer

[2. The constitution may not be superseded by them.]

[d] [Stow, Chron., p. 600.]

[e] [Id., ibid., p. 519.]

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claims,—"to be denied nothing." For, whereas our Parliament is so sweetly tempered and composed of all estates, to secure this nation from the evils which are incident to all forms of government, he that shall quite take his Majesty's negative voice away, secures us from tyranny, but leaves us open and stark naked to all those popular evils, or epidemical diseases, which flow from ochlocracy; as tumults, seditions, civil wars, and that Ilias of evils which attends them, and seems to reduce the king (be it spoken with reverence) to the case of the old woman in the Epigrammatist, when she had coughed out her two last teeth;—

> "Jam secura potes totis tussire diebus,
> Nil isthic quod agat, tertia tussis habet[f]."

From hence appears a ready answer to that question so often moved, "What great virtue is in the king's single vote to avert evils from us, that an ordinance of both Houses may not be binding to the whole kingdom without his consent?" The case is plain. It is of no great virtue against the evils of tyranny, but is a sovereign remedy against the greater mischiefs which flow from ochlocracy. And I trust God will ever preserve it to us. 572

[3. Nor privileges claimed of which subjects are incapable.]

Thirdly, these privileges must not transcend the condition or capacity of subjects, by making destructive "reservations," or so as to deck the temples of inferior persons with the flowers of the crown. Such a privilege seems this to be, which the Observer here claims, a dictatorian immunity from all question, to owe no account but to God and their own consciences; and yet, by this new learning, they may take an account of the king. What is this, but to make kings of subjects, and subjects of kings? When some ancients, more skilful in theology than in philosophy or geography, did hear of the Antipodes, they reasoned against it (as they thought) strongly, that then there were "*pensiles homines*" and "*pensiles arbores*"—men that did go with their heads downwards and trees that did grow with their tops downwards[g]; they forgot, that heaven is still above, and the centre below: but what they did but imagine, the Observer really laboureth

[f] [Martial., Epigram., i. 20.]

[g] [Lactant., Divin. Institut., lib. iii. c. 24; p. 288. ed. Oxon. 1684. And see Aug., De Civ. Dei, lib. xvi. c. 9. tom. v. p. 423. F. F.]

to introduce,—to make whole kingdoms to walk with their heads downwards, and their heels upwards.

[4. Such privileges must be measured by the law of the land.]

Fourthly, the just measure or standard, whereby all privileges ought to be examined and tried, is not now the law of nature, which is appliable (though not equally) to all forms of government; this were to "put the shoe of Hercules upon an infant's foot[h]." The law of nature may be limited, though not contraried, by the known laws and customs of this realm, as they shall appear by charters, statutes, precedents, rolls, records, witnesses. His Majesty cites a confession of the Parliament itself, to prove that their privileges extend not to the cases of "treason, felony, or breach of peace[i];" which heretofore hath been the common belief of all men. And it seems no satisfactory answer to say, that therefore they extend not to these cases, because the Houses do usually give way in these cases for them to come to trial, either in Parliament if it be proper, or otherwise in other courts. For it is a great doubt, how a commoner in case of treason can be tried in Parliament "*per pares*"—"by his peers." And if it be in their own power to give way or not to give way, the privilege extends to these cases as well as others. The case being thus, why do we quarrel one with another? why do not we all repair to the common standard (that is, the law of the land), and crave the resolution or information of those that are professors in that study? This will determine the doubt without partiality or blood; and he that refuseth it, let him be accounted as one that desires not to uphold, but subvert, the fundamental laws of the land, upon a supposition of fears and such cases as never happened in the world. Now it appears how the former objection is not applicable to the case in question, where the parties are commoners, and ought to be tried by their peers; where his Sacred Majesty is the informer, where the crimes are specified, where a speedy trial according to the known law is desired, where the parties themselves, out of a love to their country, out of a care to prevent the effusion of Christian and of English blood, out of a desire to vindicate their own reputations, should themselves become suitors for a lawful hearing, that they might not

[h] ["Herculis cothurnos aptare infantibus." Prov., ap. Quintil., lib. vi. c. 1. § 3.]

[i] [Answ. to the Remonstr. of May 26, 1642, from that Remonstrance; Exact Collect., pp. 278, 296.]

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"still suffer under such a heavy charge[j]:" at which trial they may legally plead the privilege of Parliament, if there be any such lawful privilege.

SECTION THE TWENTY-THIRD.

Observ.—"But let us consider the Lords and Commons as mere counsellors, without any power or right of counselling or consenting, yet we shall see, if they be not less knowing and faithful than other men, they ought not to be deserted, unless we will allow that the king may choose whether he will admit of any counsel at all or no, in the disposing of our lives, lands, and liberties. But the king says, that 'he is not bound to renounce his own understanding, or to contradict his own conscience, for any counsellor's sake whatsoever.' 'Tis granted, in things visible and certain. That judge which is a sole judge, and has competent power to see his own judgment executed, ought not to determine against the light of nature or evidence of fact. The sin of Pilate was, that when he might have saved our Saviour from an unjust death, yet, upon accusations contradictory in themselves, contrary to strange revelations from Heaven, he would suffer innocence 573
to fall, and pass sentence of death, merely to satisfy a blood-thirsty multitude. But otherwise it was in my Lord of Strafford's case, for the king was not sole judge, nay, he was uncapable of sitting judge at all," &c. "And therefore the king might therein with a clear conscience have signed a warrant for his death, though he had dissented from the judgment. So if one judge on the same bench dissent from three, or one juror at the bar from eleven, they may submit to the major number, though perhaps less skilful than themselves, without imputation of guilt: and if it be thus in matters of law, *à fortiori* 'tis so in matters of state, where the very satisfying of a multitude, sometimes in things not otherwise expedient, may prove not only expedient but necessary for the settling of peace, and ceasing of strife," &c. "Where the people by public authority will seek any inconvenience to themselves, and the king is not so much interessed in it as themselves, 'tis more inconvenience and injustice to deny

[j] [Petit. of Lords and Commons in Feb. 1641-2, in Ex. Coll. p. 76.—Observations &c., p. 33.]

than grant it: what blame is it then in princes, when they will pretend reluctance of conscience and reason in things behoveful for the people[k]."

Answ.—That which his Majesty saith,—that "a man may not go against the dictate of his own conscience"—is so certain, that no man that hath his eyes in his head can deny it. The Scripture is plain;—"He that doubteth is damned if he eat, because he eateth not of faith; for whatsoever is not of faith is sin." Reason is as evident;—that all circumstances must concur to make an action good, but one single defect doth make it evil; now seeing the approbation of conscience is required to every good action, the want thereof makes it unlawful, not simply in itself, but relatively,—*huic, hic, nunc*—to this person, at this time, in this place. Therefore all divines do agree in the case of a scrupulous conscience, that where a man is bound by positive law to do any act, and yet is forbidden by the dictates of his own conscience to do it, he must first reform his understanding, and then perform obedience: and this in case, where a thing already is determined by positive law. But in his Majesty's case, where the question is not of obedience to a law already constituted and established, but of the free election or assenting to a new law before it be enacted, it holds much more strongly. But yet this is not all, there is a third obligation (and "a three-fold cord is not easily broken"). Take one instance. The king is bound by his coronation-oath to defend the Church, to preserve to the clergy "all canonical privileges," and "the free franchises granted to them by the glorious king Saint Edward," and other kings[l]. Now suppose such a Bill should be tendered to his Majesty, to deprive them of their temporal goods, as was tendered to Henry the Fourth in that Parliament called the Lay-Parliament: suppose that his Majesty is very sensible of the obligation of his oath, but sees no ground of dispensation with his oath: the clergy (as then Thomas Arundel Archbishop of Canterbury) are his remembrancers,

[His Majesty bound to follow his conscience.] Rom. xiv. 23.

[Eccl. iv. 12.]

[k] [Observations &c., pp. 12, 13; from His Majesty's Answers to the Declar. of May 26, and to the Nineteen Propositions of June 2, 1642; in Exact Collect. pp. 291, 318.]

[l] [See the Oath of Charles I., in Collier, Ch. Hist., vol. ii. p. 735.]

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and consent not to any alteration: what should a king do in this case? In the one scale there is law, conscience, and oath: in the other, the tender respect which he bears to a great part (yet but a part) of his people. I presume not to determine: but our chroniclers tell us what was the event then;—that his Majesty resolved "to leave the Church in as good state or better than he found it;" that the knights confessed their error, and desired forgiveness of the same Archbishop[m]; that when the same motion was renewed after, in the eleventh year of his reign, the king commanded them, that from thenceforth they should not presume to move any such matter[n]; even as his predecessor, Richard the Second, in the very like case had "commanded the same Bill to be cancelled[o]." Kings then did conceive themselves to have a negative voice, and that they were not bound by the votes of their great Council.

[The Observator's instances to the contrary ungrounded.]

These grounds being laid, the Observer's instances will melt away like winter ice. First, the oath and obligation is visible and certain, but the dispensation or necessity of alteration is invisible and uncertain. Secondly, the rule, that a man may not contradict his own conscience for the advice of any counsellor, is universal, and holds not only in actions judiciary, whether sole or social, but generally in all the actions of a man's life. Thirdly, the understanding is the sole judge or director of the will. "The sin of Pilate" was not to contradict revelations (which he never had), but for fear of complaints, and out of a desire to apply himself to an enraged multitude, to condemn an innocent person. The Observer's instance in the Earl of Strafford might well have 571
been omitted, as tending to no purpose; unless it be to shew his inhumanity and despite to the dead ashes of a man, who whilst he was living might have answered a whole legion of Observers; and at his death, by his voluntary submission, and his own petition to his Majesty[p], did endeavour to clear this doubt and remove these scruples. Take the case as the Observer states it, yet justice is satisfied by his death: and if it were otherwise, yet it is not meet for him or me for to argue of what is done by his Majesty, or the great council of the

[m] [Stow, Chron., p. 331. ed. 1615.]
[n] [Id., ibid., p. 338.]
[o] [Id., ibid., p. 229.]
[p] [Rushworth, vol. v. pp. 743, 744.]

kingdom. That rancour is deep, which pursues a man into another world. DISCOURSE II.

But where the Observer adds, that his Majesty was "not the sole judge," and that he was "uncapable of sitting judge at all," I conceive he is much mistaken. His Majesty may be authoritative judge where he doth not personally sit; and the naming of a delegate or High Steward to be a pronunciative judge, doth not exclude the principal. The instance of a judge giving sentence according to the major number of his fellow judges though contrary to his own opinion, is altogether impertinent: for this is the judgment of the whole court, not of the person, and might be declared by any one of the bench as well as another. Such a judge is not an authoritative judge, but pronunciative only; neither can he make law, but declare it, without any negative voice. The other instance of a juror concurring with the greater number of his fellow jurors contrary to his conscience, is altogether false and direct perjury. Neither of them are applicable to his Majesty, who hath power both to execute and pardon. It is true, necessity of state justifies many things which otherwise were inexcusable; and it is as true, that it is not lawful to do evil that good may come of it. [Rom. iii. 8.]

His last assertion—that "where the people by public authority will seek any inconvenience to themselves, and the king is not as much interessed as themselves, it is more injustice to deny than grant it,"—is repugnant to what he saith a little after,—that "if the people should be so unnatural as to oppose their own preservation, the king might use all possible means for their safety[q]," —and much more repugnant to the truth. The king is the father of his people; he is a bad father, that if his son ask him a stone instead of bread, or a scorpion instead of a fish, will give it him. That heathen was much wiser, who prayed to Jupiter to give him good things, though he never opened his lips for them, and to withhold such things as were bad or prejudicial, though he petitioned never so earnestly for them. Suppose the people should desire liberty of religion for all sects; should the king grant it, who is constituted by God the keeper of the two Tables? Suppose they should desire the free exportation of

[The Observator's false doctrine,—that the king ought to grant the people's request although hurtful to themselves.] [Luke xi. 11, 12.]

[q] [Observations &c., p. 16.]

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arms, moneys, sheep (which they say Edward the Fourth, for a present private end, granted to the kings of Castile and Arragon[r]), and that this should be assented to by the Observer's advice; would not the present or succeeding ages give him many a black blessing for his labour?

"God help the man so wrapt in error's endless train[s]."

First, to say that the people may seek to obtain their desires of the prince "by public authority," is either two magistral or flat nonsense; a phrase inusitate to English ears. Henry the Sixth was no tyrant nor awful sovereign; yet, when the lords and commons presented a just request unto him, they did it "kneeling upon their knees[t]" (no sign of authority over him). Secondly, the king owes a strict account to God of his government, and is bound by his office to promote the good of his people; to do any act that may be impeditive to this end, for the satisfaction of an humorous multitude, is not consistent with this obligation. Thirdly, his Majesty conceives the thing now desired to be more than a simple or single "inconvenience;" that himself is deeply "interessed" in it; and not himself only, but his posterity and all succeeding kings; and that it is not the desire of all his subjects, nor yet of the greater part, much less of the sounder part, who disclaim it. And therefore even, upon the Observer's grounds, he is not bound to give his assent.

SECTION THE TWENTY-FOURTH.

Observ.—"So much for the ends of Parliamentary power, I come now to the true nature of it, public consent," &c.[u]

[The law not always prior in time to the magistrate.]

Answ.—We had done with "consent" before, but now we meet with it again: such windings and meanders there are in this treatise. But though consent be like the title set upon the outside of an apothecary's box, yet, if we look into 575

[r] [Stow, Chron., p. 419.]
[s] [Spencer, Faery Queen, Canto i. stanza 18.]
[t] [Stow, Chron., p. 385.]
[u] [Observations &c., p. 13.]

the subsequent discourse, we shall find little or nothing of it. The Observer tells us a long story;—that after "the fall of Adam" the "law written in man's breast was not sufficient" to "make him a sociable" creature; that "without society men could not live, and without laws men could not be sociable;" that without magistrates "law was a void and vain thing;" it was therefore quickly "provided, that laws agreeable to the dictates of reason should be ratified by common consent, and that the execution and interpretation of those laws should be intrusted to some magistrate[x]." To all which I readily assent, with this animadversion, that the rule is not *κατὰ παντὸς* or universally true. As for the order of laws or magistrates, it is confessed on the one side, that sometimes the people did choose their magistrate and law both together, and sometimes the law before the magistrate, especially upon the extinction of a royal family; but, on the other side, it cannot be denied, that many times, very many times, magistrates did either assume sovereignty by just conquest, or were absolutely elected without any such restriction. So much the Observer confesseth a little after, that "in the infancy of the world, most nations did choose rather to submit themselves to the mere discretion of their lords than rely upon any limits, and be ruled by arbitrary edicts rather than written statutes[y]." In which case it is plain, that the law is posterior to the king, both in order of nature and of time.

[The Observator's commendation of Parliaments.]

The Observer proceeds to shew, that "intrusted magistrates" did sometimes tyrannize over their people; that it was "difficult" to invent a "remedy" for this "mischief;" first, because it "was held unnatural to place a superior above a supreme;" secondly, because the restraint of princes from doing evil, by diminution of sovereign power, doth "disable them" also from doing "good," which "may be as mischievous" as the other; that "the world" was long troubled between "these extremities:" that "most nations did choose" absolute governors; that others placed supervisors over their princes, "*Ephori, Tribuni, Curatores*" (which "remedy" the Observer confesseth to have "proved worse than the disease," and that the issue of it commonly was to embroil the state in "blood"); that "in all great distresses

[x] [Ibid.]

[y] [Ibid., p. 14.]

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the body of the people was constrained to rise and by the force of a major party to put an end to all intestine strifes;" that this way was too slow to prevent sudden mischiefs; that it produced "much spoil and effusion of blood," often "exchanging one tyranny for another;" that at last a way was found out "to regulate the moliminous body of the people" by Parliament, "where the people may assume their own power to do themselves right," where "by virtue of election and representation a few act for many, the wise for the simple;" that the "Parliament is more regularly formed now than when it was called the Mickle Synod," or where the "real body of the people did throng together;" that the Parliament yet perhaps labours with "some defects that might be amended," and that there are yet some differences and difficulties concerning it, especially the "privileges" of it, which "would be resolved[z]." This is the sum of his discourse here; and a little after in the twenty-first page and the three pages following, he falls into a needless commendation of the constitution of Parliaments, of their "wisdom" and "justice," how void they are of danger, how full of advantage to the king and people, how "princes may . . have sinister ends," but that it was "never till this Parliament withstood, that a community can have no private ends to mislead it[a]." In all which there are not many things to be much misliked, saving some results of his former false and seditious principles; as, that the people are the primogenious subject of power, that the essential and representative body of the kingdom are all one (he might as well say that a whole county and a grand jury are convertible terms). To place "a superior above a supreme" is monstrous; and opens a ready way to an infinite progress, which both art and nature abhor. I join with him in this, that to limit a prince too far is often the cause of much mischief to a state. But the Observer, having given a good meal, casts it down with his foot; for after, in the fortieth page, he tells us, that "the people had better want some right than have too much wrong done them[b]." It may be so, it may be otherwise; but ordinarily, the sufferings of one year in a time of sedition are

[z] [Ibid., pp. 14, 15.]
[a] [Ibid., pp. 21—24.]
[b] [Ibid., p. 40.]

576 more burdensome to the subject than the pressures they sustain from a hard sovereign in a whole age. A limited commission may now and then bring ease to a society; but an unsufficient protection exposeth them to an hundred hazards and blows, from superiors, inferiors, equals, foreigners, domestics. The Observer would have 'such a prerogative as hath great power of protection and little of oppression[c].' Can you blame him? He would have his fire able to warm him, but not accidentally to burn him. Protection is the use, oppression the abuse of power. To take away power for fear of the abuse, is, with Lycurgus, to cut down all the vines of Sparta, root and branch, for fear of drunkenness[d]. By the same reason, he will leave neither a sun in heaven, nor any creature of eminency on earth. If he will have no bees but such as have no stings, he may catch drones, and want his honey for his labour. To limit princes too far, is as if a man should cut his hawk's wings that she might not fly away from him; so he may be sure she shall never make a good flight for him. St. Bernard tells us a story of a king, who "being wounded with an arrow, the chirurgeons desired liberty to bind him, because the slightest motion might procure his death;" his answer was, "*Non decet vinciri regem*"—"It is not meet that a king should be bound," and the Father concludes,—

"Libera sit regis et semper salva potestas[e]."

[The Observator's particular wishes.]

In two particulars this "third Cato" is pleased to express himself; he would have the disposition of great offices, and the power of calling and dissolving Parliaments[f], shared between the king and the people. Yes, the great offices of the kingdom and the revenues of the Church have been the great wheels of the clock, which have set many little wheels a going; doubt you not the Observer meant to lick his own fingers. These speculations might be seasonable in the first framing of a monarchy. Now, when a power is invested in the crown by law and lawful custom, they are saucy and seditious. Howsoever, his bolt is soon shot; "he that is [Prov. xxvi. 12.]

[c] [Ibid., p. 41.]

[d] [Plut., De Poet. Audiend., Op. Moral., tom. i. p. 40. ed. Wyttenb.; of the *Thracian* Lycurgus.]

[e] [Tract. de Passion. Domini, c. iv.; Op. tom. i. p. 1527. H, I.]

[f] [Observations &c., p. 41.]

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wise in his own eyes, there is more hope of a fool" than of such a man. Others, as much wiser than he is, almost as he conceives himself to transcend them, are absolutely of another mind:—that this were to open a sluice to faction and sedition, to roll the apple of contention up and down both Houses of Parliament and each county and borough in the kingdom, to make labouring for places and packing for votes, and in a word to disunite and dissolve the contignation of this kingdom:—this in policy; they say further,—that in justice, if the king be bound by his office and sworn by his oath, "to cause law, justice, and discretion, in mercy and truth, to be executed to his people," if he be accountable to God for the misgovernment of his great charge, that it is all the reason in the world why he should choose his own officers and ministers. Kings are shadowed by those brazen pillars which Hiram made for Solomon, having chapiters upon their heads adorned with chains and pomegranates. If these sons of Belial may strip Majesty by degrees of its due ornaments, first of the chains, that is, the power to punish evil doers, and then of the pomegranates, the ability to reward good deserts, and so insensibly to rob them of the dependence of their subjects, the next step is to strike the chapiters or crowns from off their heads. But how can this be, except "all Parliaments" were "taken as deadly enemies to royalty[g]?" Still when the Observer comes to a piece of hot service, he makes sure to hold the Parliament before him, which device hath saved him many a blow. They that are not haters of kings, may be lovers of themselves. We are all children of Adam and Eve; he would be a god, and she a goddess. His instance,—that this is no more, than for the king to choose a chancellor or a treasurer "upon the recommendation of such or such a courtier[h]"—is ridiculous; there his Majesty is free to dissent, here is a necessity imposed upon him to grant. Yet, saith he, "the Venetians live more happily under their conditionate dukes, than the Turks under their absolute emperors; . . . the trophies which Rome gained under conditionate commanders," argue that there "could be no defect in this popular and mixt government; . . . our neighbours in the Netherlands, . . . being to cope with the most puissant

[1 Kings vii. 15-22. —2 Chron. iii. 15-17.]

[His instances in support of them.]

[g] [Ibid., p. 39.] [h] [Ibid.]

prince in Christendom, put themselves . . under the conduct of a much limited General;" which "straitened commissions have yielded nothing but victories to the
577 States, and solid honour to the Prince of Orange[i]." . . "Were Hannibal, Scipio, &c. the less honoured or beloved, because they were not independent? . . Was Cæsar the private man less successful, or less beloved, . . than Cæsar the perpetual dictator[j]?" Whatsoever is more than this, he calls "the painted rays of spurious majesty[k]," and the "filling of a fantastical humour with imaginary grandeur[l]." Whose heart doth not burn within him, to hear such audacious expressions? Yet still he protests for "monarchy[m]." A fine monarchy indeed, a "great and glorious monarchy," an "aristo-democracy" nicknamed monarchy, a "circumscribed, conditionate," dependent monarchy, a mock-monarchy; a monarchy without coercive power, able to protect, not to punish; that is, in effect, neither to protect nor punish; a monarch subordinate to a superior, and accountable to subjects; that may deny nothing; a monarchy, in the rights whereof another challengeth an interest "paramount." *Quorsum hæc?* He is more blind than a beetle, that sees not whither all this tends;—to advance King Charles to the high and mighty dignity of a Duke of Venice, or a Roman Consul; whilst this gentleman might sit like one of the Tribunes of the common people to be his supervisor. It were to be wished, that the Observer would first make trial of this model of government in his own house for a year or two, and then tell us how he likes it. That form may fit the city of Venice, that will not fit the kingdom of England. I believe he hath not carefully read over the history of that state. Though now they enjoy their sun-shines, and have their "*lucida intervalla*," yet heretofore they have suffered as much misery, from their own civil and intestine dissensions, as any people under heaven; and so have their neighbour-states of Genoa, Florence, &c. And of Florence particularly it is remarkable, that though their prince husband his territory with as much advantage to himself, and pressure to his people, as any

[i] [Ibid., p. 40.]
[j] [Ibid., p. 41.]
[k] [Ibid., p. 42.]
[l] [Ibid., p. 41.]
[m] [Ibid.]

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prince in Europe, yet they live ten times more happily now, than they did before in a republic[n], when a bare-legged fellow, out of the scum of the people, could raise tumults, surprise the senate, and domineer more than two Great Dukes; so that now they are freer, than when they did enjoy those "painted rays of spurious" liberty. If the Romans had not found a defect in their popular government, they had never fled to the choice of a dictator, or absolute prince, as a sacred anchor in all their greatest extremities. And for the Netherlands, it is one thing for a free people to elect their own form of government; another, for a people [to be] obliged to shake off that form which they have elected. It is yet but early of the day, to determine precisely whether they have done well or ill. The danger of a popular government is sedition; a common enemy hath hitherto kept them at unity, and the king of Spain hath been their best friend. Scipio's opinion, that Carthage should not be destroyed, was more solid and weighty than Cato's[o]; as experience plainly shewed. Those foreign wars preserved peace at home, and were a nursery of soldiers to secure that state. When the United States come to have peace a while, then let them take heed of falling in pieces. The condition of the English subject, when it was at the worst under King Charles (before these unhappy broils), was much more secure and free from excises, and other burdens and impositions, than our neighbours the Netherlanders under their States. If his Majesty should use such an arbitrary power as they do, it would smart indeed. I wonder the Observer is not ashamed to instance in Hannibal. He knows the factions of Hanno and Hannibal did ruin themselves and Carthage; whereas, if Hannibal had been independent, Rome had run that fortune which Carthage did. How near was Scipio's conquest of Afric to be disappointed, by the groundless suggestions of his adversaries in the Roman Senate. When he had redeemed that city from ruin, how was he rewarded? Slighted, called to the bar by a factious plebeian, and in effect banished from that city, whereof he had been (in a kind) a second Romulus

[n] Dallington's Survey of [The Great Duke's State of] Tuscany [in the yeare of our Lord 1596; printed at London in 1605.]

[o] [Florus, Rer. Roman. Epit., ii. 15.]

or founder: but if he had been independent, he had been a nobler, gallanter Scipio than he was. And if Cæsar's dictatorship had not preserved him from the like snuffles, he might have tasted of the same sauce that Scipio did, and many others. It is true, he was butchered by some of the Observer's sect (a rebel is a civil schismatic, and a schismatic an ecclesiastical rebel; the one is '*togata*,' the other is '*armata seditio*'); and some of them "as notoriously obliged, as ser-
578 vants could be to a master[p]:" but revenge pursued them at the heels[q]; as it did Korah and his rebellious crew, Zimri, Absalom, Adonijah, Achitophel, Judas, &c. Frost and falsehood have always a foul ending.

[Parliaments an old invention, yet not such Parliaments as ours.]

Neither is it true, altogether, that Parliaments are so late an invention. What was the "Mickle Synod[r]" here but a Parliament? What were the Roman Senates and *Comitia*, but Parliaments? What were the Grecian Assemblies, Amphictyonian, Achaian, Bœotian, Pan-Ætolian, but Parliaments? What other was that than a Parliament,—"Moses commanded us a law, even the inheritance of the congregation of Jacob, and he was king in Jesurun, when the heads of the people and tribes of Israel were gathered together?" Here is the king and both houses with a legislative power. "*Non de possessione sed de terminis est contentio;*" the difference is not about the being of Parliaments, but the bounds of Parliamentary power. As Parliaments in this latitude of signification have been both very ancient, and very common; so, if he take the name strictly, according to the present constitution of our Parliaments, he will not find it so very ancient here at home, nor a policy common to us with many nations: yea, if the parts of the comparison be precisely urged, with none, not so much as our neighbour-nation. I pray God it be not some men's aim to reduce our settled form to a conformity with some foreign exemplars. But if it be understood to have such a fulness of power as he pretends, according to his late found-out art, "to regulate the moliminous body of the people;" it is neither ancient, nor common, nor ours. He may seek such precedents in republics, but shall never find so much as one of them in any true monarchy under heaven.

Deut. xxxiii. 4, 5.

[p] [See above p. 308. note i.]
[q] [See above p. 386. note d.]
[r] [See above p. 380. note e.]

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[A complete Parliament the true salve for the sores of the commonwealth.]

I honour Parliaments as truly as the Observer, yet not so as to make the name of Parliament a Medusa's head, to transform reasonable men into stones. I acknowledge, that a complete Parliament is that panchreston, or sovereign salve, for all the sores of the commonwealth. I do admire the presumption of this Observer, that dare find holes and defects in the very constitution of the government by king and Parliament (which he should rather adore at a distance); as if he were of the posterity of Jack Cade, who called himself "John Amend-all[s]." It is lawful for these men only to cry out against innovations, whilst themselves labour with might and main to change and innovate the whole frame of government both in Church and commonwealth. We read of Philip of Macedon, that he gathered all the naughty seditious fellows in his kingdom together, and put them all into a city by themselves, which he called "Poneropolis" or Badman-Chester[t]. I wish King Charles would do the like (if a city would contain them), and make the Observer the head of the corporation, where he might mould his government according to his private conceit.

[Yet Parliaments often inconsistent with each other.]

And yet it cannot be denied, but the greatest and most eminent councils in the world may be either made or wrought by their major part to serve private ends. I omit the Lay Parliament 1404[u], and Sir Henry Wotton's young Parliament 18. Jacobi[v]. Our historians tell us of a mad Parliament 1258[x], and the Parliament of Batts or Battowns[y] 1426, a kind of weapon fitter for cavaliers than peaceable assemblies. The statutes of Oxford were confirmed by the Parliament at Westminster 1259, and "ratified by a curse against the breakers" of them: shortly after the king and prince were both taken prisoners: yet in the Parliament following, at Winchester, 1265, all the said acts were rescinded

[s] [Stow, Chron., p. 388.]

[t] [Suidas, in voce Δούλων Πόλις, from Theopompus.]

[u] [Stow, Chron., p. 330:—so called because Henry IV. had "sent process to the Sheriffs, that they should choose no knights nor burgesses that had any knowledge in the laws of the realm."]

[v] [See above p. 405. note f.]

[x] [Stow, Chron., p. 191:—"because many things were there enacted which turned to the death of many nobles."]

[y] [Id., ibid., p. 368;—"because men, being forbidden to bring swords or other weapons, brought great batts and staves on their necks, and when those weapons were inhibited them, they took stones and plomets of lead."]

and disannulled, and the king cried quittance with his adversaries[z]. In the reign of Edward the Second, after the battle at Burton, we see how the tides of the Parliament were turned, until the coming of Queen Isabel, and then the floods grew higher than ever[a]. In the days of Richard the Second, how did the Parliaments change their sanctions: as the camelion her colours, or as Platina writeth of the Popes, after Stephen had taken up the body of Formosus out of his grave,—"It became an usual thing for the successors either to infringe or altogether to abrogate the acts of their predecessors[b]." The Parliaments of 1386, and 1388, were contradicted and revoked by the subsequent Parliaments of 1397, and 1398; and these again condemned and disannulled by the two following Parliaments in 1399, and 1400; yea, though the lords were sworn to the inviolable observance of that of 1397[c]: and Henry Bolingbroke, who was a great stickler for the king in that Parliament, of 1397, against the appellants, yet in that of 1399 was elected king by the traitorous depo-
579 sition of Richard, and the unjust preterition of the right heirs[d]. Parliaments are sublunary Courts; and mutable as well as all other societies. If we descend a little lower, to the times of Henry the Sixth, we shall find Richard Duke of York declared the Lord Protector in Parliament, yet without title to the Crown, in 1455[e]. Shortly after we find both him and his adherents by Parliament likewise attainted of high treason, in 1459[f]. The year following, 1460, he was again by Parliament declared not only Lord Protector, but also Prince of Wales and right heir to the crown, and all Acts to the contrary made void, and the lords swear to the observance thereof[g]. It rests not here; the very next year, 1461, his son Edward the Fourth, not contented to be an heir in reversion, assumes the imperial diadem, and in Parliament is received actual king[h]. The end is not yet; ten years after this, 1471, King Henry is admitted king by Parliament again, and King Edward attainted of high treason, declared an usurper, and the crown entailed upon King Henry and his

[z] [Id., ibid., pp. 191, 194, 196.]
[a] [Id., ibid., pp. 210, 223.]
[b] [In Vitâ Stephani VI., p. 136, 2.]
[c] [Stow, Chron., pp. 300, 303, 315, 318, 323.]
[d] [Ibid., pp. 317, 318, 323.]
[e] [Ibid., p. 400.]
[f] [Ibid., p. 406.]
[g] [Ibid., pp. 409, 410.]
[h] [Ibid., pp. 414, 415.]

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heirs males, and for want of such issue, to George of Clarence and his heirs[i]. But this lasted but a while; disinherited Edward and Clarence are reconciled, and the very next year, Edward is crowned again, and received king in Parliament[j]. You see here,—

"Signa, pares aquilas, et pila minantia pilis[k],"—

Parliaments against Parliaments: and this, in that very question which you say is properly to be judged by Parliament, who is the right king. When the election is not of a particular person and his heirs, but of a person and his family, so as the people have liberty to elect whom they please of that stock (as it was long since in Scotland, till it was rescinded by Act of Parliament, to take away those storms of discord and faction which it raised[l]), the Parliament was the most proper judge who should succeed; but where the crown is hereditary, there needs little question of the right heir, which for the most part every countryman knows as well as the great council of the kingdom. How easily were Queens raised and deposed in Henry the Eighth's time by authority of Parliament. Add to this, with what facility religion was reformed in part by Henry the Eighth, more by Edward the Sixth, altered by Queen Mary, and restored again by Queen Elizabeth; and all this by authority of Parliament, within the compass of a few years: and it will evidently appear out of all that hath been said, that Parliaments are not excepted from the defects of all human societies, nescience, ignorance, fear, hope, favour, envy, self-love, and the like; that they may err both in matters of fact, and in point of right; that it is the incommunicable property of God alone, to be "the same yesterday, to-day, and for ever;" that though we owe a tender respect to Parliaments, yet we may not follow their directions as infallible, nor resolve our reason into their mere authority, as if their sole advice or command were a sufficient ground for our actions; which is the main scope which this Jehu our

[Hebr. xiii. 8.]

[i] [Ibid., pp. 422, 423.]
[j] [Ibid., pp. 423, 424.]
[k] [Lucan., Pharsal., i. 7.]
[l] [See Holinshead, Hist. of Scotl., in Chron. vol. ii. p. 35. b, 204. b, 221. a, 225. a, 245. b. ed. 1586. The Acts in question were made in the reign of Robert Bruce.]

Observer doth so furiously drive at in all his writings, that 'no evil is to be presumed of the representative body of the kingdom[m].' And so far he is right; it ought not indeed to be "presumed," without proof: but he goes further,—that it may not be "supposed" or "admitted;"—"It is of dangerous consequence to suppose, that Parliaments will do any injustice; it looseth one of the firmest sinews of law to admit it[n]." Discourse II. [2 Kings ix. 20.]

But "such communities can have no private ends."—What had the Shechemites, by the suggestion of a worthy member of their city? Or the brethren of Joseph? If any man boggle at it, may he not be over-voted, or over-awed, as Reuben was? What ends had the Romans when they made that arbitrament, "*quod in medio est, populo Romano adjudicetur*[o]?" What had the whole city of Ephesus, being persuaded by Demetrius and his craftsmen, that there was a strange plot against Diana? The High Priests, and scribes, and elders, and if you add to these Pilate, Judas, the soldiers, and the Devil, all had their private ends; the High Priests and elders to satisfy their envy, Pilate to keep his place, Judas to get the thirty pieces, the soldiers for Christ's garments: yet all these concurred in a general design to take away Christ. Which shews us thus much, that a community may have private ends, yea, and contrary ends, all tending to mischief, though upon contrary grounds; and yet all agree well enough so long as they keep themselves in a negative or destructive way. I intend these instances no further than to shew the weakness of the Observer's grounds. Parliaments are more venerable. Yet, till "this corruptible" have "put on incorruption," private ends will seek to crowd into the best societies. When a bill was tendered to Richard the Second to take away the temporalties of the clergy, there was old sharing; and "Thomas Walsingham saith," he himself did "hear one of the knights swear deeply, that he would have a thousand marks by year, out of the abbey of St. Albans[p]." The very like bill was put up to King Henry the Fourth; with this motive, or addition, that those temporal possessions

[And abused to private ends.] Gen. xxxiv. 23. Gen. xxxvii. [4, 5. 21, 22.] [Acts xix. 23, &c.] [1 Cor. xv. 53.]

[m] [E. g. Few Observ. &c., pp. 5, 9, 12; and repeatedly in his other pamphlets.]

[n] First Observ., [Few Observ. &c.,] p. 7.

[o] [Cic., De Offic., i. 10.]

[p] [Walsingh., ap. Stow, Chron., p. 299.]

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"would suffice to find a hundred and fifty earls, fifteen hundred knights, six thousand and two hundred esquires, and a hundred hospitals more than" there was in the kingdom (it had been a great oversight if they had not stuck down a few feathers)[q]. Do you not see private ends in those days? But even then they found themselves mistaken in their accounts. And now, when the Lord Verulam and sundry others of our most eminent countrymen have acknowledged (I have heard the very same from Sir Edwin Sandes[r]), that "all the Parliaments since the 27th and 31st of King Henry the Eighth[s], . . seem in some sort to stand obnoxious and obliged to God in conscience to do somewhat for the Church, to reduce the patrimony thereof to a competency[t];"—now, I say, when the temporalties of the clergy are so inconsiderable in comparison of the honour of the nation and the order of the Church, and so unable to satisfy the appetite and expectation of necessitous men; in so much as I dare speak it confidently, that all the temporalties of the Archbishops, Bishops, Deans, Archdeacons, Deans and Chapters, Prebends, Petty-canons, Vicars Choral (which are recited in folio to make a show), and of all the ecclesiastical dignitaries and corporations whatsoever, let them take masters of Hospitals in to boot (except the two Universities and glebes of benefices with cure), do not all amount in penny rent to the revenues of some two earls;—such a proposition seems now to be much more unseasonable than it was then, yet even then the bill was commanded by the king to be cancelled[u]. I confess the true and uttermost value may be double or triple to this; but what is redundant above the rent is in the hands of the gentry and commons, who will think much to lose either their interest or tenant-right. I confess likewise, that besides their temporalties, they have spiritualties, consisting of tithes and oblations; but to think of taking these away also, will highly displease their leaders of the old edition;—hear the Humble Motioner,—"It is the duty of the common-

[q] [Stow, Chron., p. 338.]

[r] [The second son of Abp. Sandys, author of Europæ Speculum, and pupil of Hooker, knighted by James I. in 1603. See Walton's Life of Hooker, and Wood's Athen. Oxon. vol. ii. pp. 472—474.]

[s] [Viz. those "who gave away impropriations from the Church." Id., ibid.]

[t] Considerations, &c., dedicated to King James, [p. 26. ed. 1689.]

[u] [Stow, Chron., pp. 299, 338.]

wealth to convert those things which by their foundation were meant to the service of God . . to that very use, that reformation be not rather thought a bait to feed our bellies, than to proceed of godly zeal[x]." He calls it "a plain mockery of God, a scorn of godliness, the most devilish policy in the world, that upon pretence to further God's service, men should rob and ransack the Church[y]." To the same purpose Mr. Cartwright;—"This is our meaning, not that these goods should be turned from the possession of the Church to the filling of the bottomless sacks of their greedy appetites, who gape after this prey, and would thereby to their perpetual shame purchase to themselves a field of blood[z]." After he calls them "cormorants," and "protests" against it as plain sacrilege[a]. A supply from hence, as it is sacrilegious in the opinion of their greatest reformers, so it would be inconsiderable, either to enrich the crown, or to disengage the kingdom, or to satisfy the appetites or private ends of necessitous persons. Discourse II.

SECTION THE TWENTY-FIFTH.

Observ.—"Having now premised these things, I come to the main difficulties lying at this time in dispute before us," &c.[b]

[III. Of the Remainder of the Observator's Treatise.]

Answ.—We have now done with all the Observer's grounds. The remainder of his treatise is either a repetition of the same matter in a new and diverse dress (as the host of Chalcis served Titus Flaminius, when he gave him several services of a tame hog, and yet by cookery made him believe he fed upon choice variety of venison[c]; fair fall a good cook); or else it is but superstructions builded upon the former grounds, which (the foundations being substracted) remain as castles in the air, ready to fall of themselves without any further battery; or else it is matter of fact, which howsoever it be

[x] [Humble Motion to Lords of Council for the reforming of Ecclesiastical Discipline and Church Government after the Word of God, printed in 1590,—p. 2. as reprinted in 1641.]

[y] [Ibid.]

[z] [See Bancroft, Survey, c. xxi. p. 245; from The Rest of the Second Reply of Thomas Cartwright against Whitgift's Second Answer, p. 75. 4to. 1577.]

[a] [Id., ibid.; from the same.]

[b] [Observations &c., p. 16.]

[c] [Plut., in Vitâ Tit. Quinct. Flamin., tom. ii. p. 422. ed. Bryant.]

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Militia, so often iterated by the Observer, both in point of right, and in point of fact[d]: such is the case of the impeached members[e]: and that of the tumults and commotions at London and Westminster[f], and that of those infamous libels and invectives against his Majesty's government, both out of the pulpit and press[g], if not with encouragement yet without any restraint; and some of them not only against his government, but against monarchical government in general, as this very treatise of the Observer's. Concerning the first, his Majesty hath set forth an express Declaration of the first of July[h], yet unanswered: to say more in this were to bring owls to Athens. Concerning the latter, his Majesty, passing by ordinary and misled persons, chargeth the heads and contrivers of these distractions and libellous invectives, in his Declarations of the 12th of August[i], &c.; so as it seems needless to take any further notice of them. Such others are that of the Scotch army[k], and the surprising of Newcastle[l], and the Earl of Strafford's case[m]; whereas the Observer knows well enough, that for the two former there is an act of oblivion[n], and for the latter a *proviso* that it shall not be drawn into precedent[o], which in effect is as much. He cannot choose but know, that otherwise something might be said in these cases which perhaps would trouble him to untwist. To insult over one that hath his hands tied, or to brave one who is bound to the peace, argues a degenerous adversary.

1. Of Hull and Sir John Hotham.

Therefore to omit these and the like, and to insist upon such only as afford us either new matter, or have more weight of reason added to them. Whereof the principal without comparison is the business of Hull or Sir John Hotham; which runs so much in the Observer's mind, that he falls upon it nine or ten times in this little treatise, and after he

[d] [Observations &c. pp. 27, 37, &c.]
[e] [Ibid., p. 33.]
[f] [Ibid., p. 32.]
[g] [Ibid.]
[h] [Answer to the Declar. of both Houses, concerning the Commission of Array, of the first of July 1642;—in the Exact Collect., pp. 398—441.]
[i] [See above pp. 413, 414. notes y, z.]
[k] [Observations &c., p. 25.]
[l] [Few Observ. &c., p. 1.]
[m] [Observations &c., p. 12.]
[n] [Rushworth, vol. v. pp. 370—372.]
[o] [Viz. in the Act of Attainder itself; in Rushworth, vol. iv. p. 757.]

professeth to have done with it page 30, yet he relapseth into it again thrice, in the 33rd, 35th, and 43rd pages. I shall not omit any thing that hath the least scruple of weight or moment to advantage Sir John Hotham's cause. DISCOURSE II.

First, it is confessed by the Observer, that "to possess a town and shut the gates against the king is treason[p]." A liberal concession; he had a hard forehead that should deny it. To detain one of the king's ships or castles only, without danger to his person, is treason; what is it then, first to intrude forcibly, and then to detain injuriously, not a pinnace or little tower, but one of the prime ports and strengths of the kingdom, and in it the king's whole magazine or provision of war, and to raise his Majesty's own subjects to keep it with muskets bent against his royal breast? They had need to be very saving circumstances that can alter the nature of such an act, or have virtue to transubstantiate Catiline into Camillus, and change treason into loyalty. Who made the Observer a distinguisher 'where the law doth not distinguish?' But let us view his reasons without prejudice. [To exclude the king from his own town, confessed by the Observator to be treason.]

Three things are alleged: first, the circumstances of the action; secondly, the intention of the actors; thirdly, the authority of the commanders.

For the first he saith, "The king was merely denied entrance for the time, his general right was not denied[q]." I do easily believe, that Sir John meant not to hold Hull for ever. If he did, he is not such a child to say so. When the Lord Gray and his complices had plotted to surprise the Tower or Dover Castle, and to possess themselves of the persons of King James and his council[r], it was not their design to hold those forts, or detain them prisoners for ever, but until they had gained their own conditions; which were the alteration of religion, and the distribution of the great offices of the kingdom among themselves; yet it was never the less adjudged treason, and they condemned for it. [i. Nothing in the circumstances of the action, to exculpate Sir John Hotham.]

[p] [Observations &c., p. 27. See 26 Hen. VIII. c. 13. § 2.]

[q] [Ibid. The real state of the case, as it would appear from the memoirs of the Duke of York (in Carte, Life of the Duke of Ormonde, vol. i. pp. 360—362), confirmed by the Declarations of the Parliament April 28. and May 26. 1642 (Exact Collect., pp. 161, 275), and by Hotham's subsequent conduct, was this, —that Hotham was afraid of being put to death by Charles, should he admit him, and so, being a weak and vacillating person, was hurried into a step, the consequences of which he neither intended nor perceived.]

[r] [Stow, Chron., pp 829—833.]

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He adds, "No defying language was given to the king[t]." No more did Judas give the King of kings, when he cried, [Matt. xxvi. 49.] "Hail, Master, and kissed Him." The Prophet complaineth [Ps. lv. 21.] of some, that "the words of their mouth were softer than butter, but war was in their hearts." It was as true as tart a censure, which Johannes Capocius, a noble Roman, gave of Innocent the Third, who did privately blow the coals betwixt Otho and Frederick;—"O Holy Father, your words are the words of God" (peaceable and pious), "but your deeds are the deeds of the devil."

He proceeds, "No act of violence was used, though the king for divers hours together did stand within musket shot, and did use terms of defiance," and "this makes the act 582
merely defensive or rather passive[u]." Passive! how can that be? Notwithstanding the intrusion of Sir John, the king is still the possessor, and the detaining is forcible in the eye of the law. This very plea argues a rotten and a traitorous heart. To kill an innocent and an anointed king in the sight of the sun, requires a height of impiety, a longer preparation of partners, and instruments fleshed in blood and mischief. He that should have commanded such a shot, had need to have given his charge in ambiguous terms, as "*Edvardum occidere nolite timere bonum est*[x];" or otherwise might have been thrown over the walls for his labour. If such a shot had failed, it had been destructive to the actor and all his partakers; if it had taken, it would have made them stink in the nostrils of all good men; but for my part I do not believe there was any such intention. Howsoever we have been told, that in the place of "the barons' wars" we should expect the commons' wars, yet generally the English nation delights not so much in democracy as the Observer doth; and a more gracious king they could not have, whose death would have dissolved many men's hopes. Howsoever, as King Alphonsus answered his physician, when he persuaded him not to handle the works of Livy (which were sent unto him by a great Florentine) for fear of poison, "The lives and souls of kings are secure under the providence and protection of God[y];" or as a traitor answered the king of the

[t] [Observations &c., p. 27.]
[u] [Observations &c., pp. 27, 28.]
[x] [Stow, Chron., p. 226; of Edward II.]
[y] Æneas Sylvius. [This anecdote is told of Alphonso the Magnanimous,

Danes, that "he wanted neither mind nor sufficient means to have effected his intentions, but the assistance and concurrence of God was always wanting[z];" which was verified in a conspiracy against king James, when the murderer, smitten into an amazement by God's just judgment, could neither stir hand nor foot[a].

It follows,—"How should this administer to the king any grounds to levy guards at York?" &c. . . "did the king without fear treat with Sir John Hotham as a traitor in the face of his artillery, and offer to enter Hull with twenty horse unarmed, and continue such a harsh parley so many hours; and yet, when he was in York, in a county of so great assurance, could nothing but so many bands of horse and foot secure him from the same Sir John Hotham[b]?" I wonder the Observer doth not blush to be his Majesty's remembrancer, how much he descended from his royal state that day, in his attendance so many hours, and his courteous proffers. Is it because he thinks good subjects take delight to hear of such an audacious affront put upon their sovereign? or of that base scandalous picture[c] so much gazed at in foreign parts, of Sir John Hotham standing aloft armed cap-á-pié, encircled with gallants and great ordnance,—like another Achilles,

"Impiger, iracundus, inexorabilis, acer[d],"—

whilst his Sacred Majesty was pictured below, like a Chancery petitioner, with his hat in his hand, pitifully complaining and suing to Sir John for admission? But the king called Sir John traitor, and gave him harsh language. Did he so? You may remember what Philip answered for the Macedonians, when some of his own wicked instruments complained "they called them traitors,"—that his countrymen "were

the patron of Æneas Sylvius, by Anton. Becchatellus Panormita, Dicta et Facta Alphonsi Regis, lib. i. num. 36. 4to. Witeb. 1585; the materials for which were collected by Æneas Sylvius.]

[z] Saxo [Grammat., Hist. Dan., lib. xiii. pp. 354, 355. ed. Steph. 1644.]

[a] [An allusion, as it should seem, to the Gowry Conspiracy. See Robertson, Hist. of Scotl., bk. viii. vol. iii. pp. 148, 149. 8vo. ed.]

[b] [Observations &c., p. 28.]

[c] ["Fryday Morning there was a printed paper of Sr. John Hotham's picture on horseback in his souldier's habiliment, and the king standing at his horse's feet bareheaded, shewed to the House of Commons; at which the House being much incensed appointed a Messenger to finde out the printer thereof and bring him to the House, and voted that the said picture should be burnt by the common hangman." Diurnal Occurrences in Parliament, from June 6 to June 13, 1642, pp. 5, 6.]

[d] [Horat., A. P., 121.]

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plain dealing men," to call things by their right names, and 'could not for their lives think one thing and say another[f].' If Philip, a prince benefited by those creatures, pleaded so for his subjects, why might not King Charles, who was injured and a loser, have leave to speak for himself to his own subjects? But if the king were so confident there, why did he raise forces at York, a place of more "assurance?" First, shew us your commission to take his Majesty's answer, or at least tell us why Sir John began to raise forces first? His Majesty is authorized by God and the law to raise forces, and owes no account to the Observer. And to his Majesty's confidence then, and diffidence after, I can say nothing positively: if it were in another case, there might be sundry reasons given. Perhaps the second cogitations are the sounder; or men may hope for better measure than they find; or the latter day is a scholar to the former; or a man may desire to surprise him, and cannot, whom he hath no desire to kill if he could; or mischief grows not to maturity in an instant, but by degrees.

But, "the king might have prevented this repulse, by sending a messenger beforehand, or by coming without such considerable forces in so unexpected a manner[g]." How considerable his Majesty's forces were, and what was his manner of 583
coming to Hull, himself hath published in a true satisfactory Declaration[h] long since. If it had been otherwise, how could his Majesty imagine or expect such a repulse, against all laws, beyond all precedents? An impartial man would rather think, that Sir John Hotham should have taken it to heart, that his Majesty should so far suspect his loyalty as to send such a message before him. This is certain, if there were an omission in point of discretion or good manners, it was on Sir John Hotham's part, who was privy to his own resolutions; and though he had forgotten his allegiance, yet in point of courtesy, he ought to have given his Majesty a fair advertisement. It is very hard the Observer should go about to reduce his king to the condition of an ordinary passen-

[f] [Plut., Apophthegm. Reg., in Philipp., num. 15, Op. Moral. tom. i. p. 496. ed. Wyttenb.]

[g] [Observations &c., p. 23.]

[h] [His Majesties Answer to the Declaration, Votes, and Order of Assistance of both Houses of Parliament, concerning the magazine at Hull, sent May 4, 1642:—Exact Collect., pp. 163—167.]

ger, that must send his harbinger before to try whether he may have entertainment at his inn or not.

"*Nondum finitus Orestes*[i]," —his circumstances are not yet done: he adds;—"The things remaining at Hull in the king's trust for the use of the kingdom were arms, and by consequence of more danger than other kind of chattels: if I intrust my cloak to another's custody, I may not take it again by force; but if it be my sword, and there is strong presumption that it may be drawn upon me, I may use any means to secure it[k]." I wish all the Observer's faction had been of his opinion in one point. His Majesty and many of his good subjects have been plundered deeply, and have had both their cloaks and their coats, &c., taken away by force; wherein they challenged a right of interest, which is more than "trust." Still the Observer builds upon his former extravagants. His Majesty is not '*rex ad placitum*,' one that hath merely the custody of regal power, as the Lord Keeper hath of the Great Seal, or as the Observer may give his cloak to his neighbour to hold; but he is the very owner and possessor of sovereignty to him and to his heirs; and this, not by the antecedent "trust" nor by the gift of the people, but by the goodness of God. It would be known, what "presumptions" the Observer had, that the sword should be "drawn upon" him; except he that hath given his superior a box on the ear, may lawfully disarm him when he hath done, for fear lest being provoked he should strike again. The Observer intimates no less;—"Whether is more probable at this time, that the king is incensed against the Parliament or the Parliament against the king[l]?" That very argument which he useth here is sufficient to convince himself. What is the thing detained? The magazine. To whom doth the right of armour belong? To the king alone, and not to the Parliament; witness a Parliament itself[m]: much less to the Observer or Sir John Hotham. Uzzah was smitten dead for presuming but to take hold of the Ark of God. God will rather have the Ark of the Church or commonwealth to shake and totter under His own immediate

2 Sam. vi. [6, 7.]

[i] [Juv., i. 6.]
[k] [Observations &c., p. 35.]
[l] [Ibid.,] p. 43.
[m] 7 Edwardi Primi [anno 1279, § 2.]

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protection, than to have such men presume to lay hold on it, who have no calling from Him.

There is only one saving circumstance left behind; hear it:—"The king's interest in Hull . . is not such an interest as in other moveables; neither is the king's interest taken away; . . the same things are reserved for him in better hands[n];" . . and if it were the same, yet "the state hath an interest paramount in cases of public extremity[o]."—"The state hath an interest paramount;" what state? Have we any state in England without the king? The Observer is still in his old dreams. Well, what is the interest of this imaginary state? An imaginary interest; "an interest paramount in cases of extremity." What a mixture of pleas is here? "Extremity" is the plea of private persons. In case of "extremity," where a man cannot have recourse to the magistrate, every man becomes a magistrate to himself. "An interest paramount" is the right of superior lords. But first, here was no such "extremity;" if there had, still his plea is stark naught; necessity doth arm a private man against a thief, but not authorize a private man to disarm a lawful magistrate. His other plea of "an interest paramount" is well worse. If the people (to comply with his own sense) have "an interest paramount" in whatsoever the king holds "either *jure coronæ* or *jure personæ*[p]," then they are the sovereign, and he but a subject. But it "was reserved for him in better hands." "Reserved" for the king? How do you mean? As "Tophet" is said to be "prepared for the king;" that is, to shoot at the king at Edgehill[q] or elsewhere? Otherwise I do not see how it was "reserved" for the king. This plea or the like might serve a high-way robber or any oppressor; to say it is taken into more needful hands, or into their hands that knew better how to use it, or 584
that it was but borrowed and should be repaid (at the Greek Calends). None so fit to judge in what hands a thing should be kept as the true owner of it. But "the king's right is not the same in Hull that it is in other moveables." True, he hath not the same right of property or possession, to sell it or give it, but he hath a right of dominion and sovereignty

[Isai. xxx. 33.]

[n] [Observations &c. p. 33.]
[o] [Ibid.]
[p] [Ibid.]
[q] [See above p. 308. note h.]

and protection, which is altogether inconsistent with his exclusion or shutting out of Hull. If he be held out of it by force, he is a king *de jure* but not *de facto;* even as he is king of France, or at least of Normandy, Aquitaine, &c.; or as the king of the Romans is king of Rome. The king hath another interest in Hull besides that of dominion; other towns are indebted to the king for their protection, but this town for its very foundation. The crown purchased it, when it was capable of nothing but herds of "cattle," and flocks of "sheep;" the crown builded it; the crown endowed it with privileges and possessions, made it a distinct county and able to support such a dignity; the crown fortified it, and made it so strong as it is[r]: and was all this done with an intent to be thrust out of it? O that Edward the Third, who builded it[r], or Henry the Eighth, who fortified it with blockhouses[r], were but in it for a day or two, with a regiment of their old cavaliers, to try who should be king of Hull and Humber! The proper name of it is not Hull, but Kingston-upon-Hull. The Observer doth well to decline the right name; for according to his notions, it may be called Kingston '*per antiphrasin*,'—because it is none of the king's town.

[ii. Nothing in the intention of the actors, to justify the Parliament.]

If the circumstances will not justify the action, the Observer flies to the common sanctuary of transgressors, a good intention: so he goes on;—"The next thing considerable is the Parliament's intention; if the Parliament have hereupon turned any of the townsmen out of their estates, or claimed any interest in it themselves, or have disseised the king, utterly denying his right for the future, or have made any other use of their possession but merely to prevent civil war, and to disfurnish the king's soldiers of arms and ammunition, let the state be branded with treason; but if none of these things be by any credit, though their enemies should be judges, the essential property of treason must needs here be absent in this act[s]." There needs no "enemies" to be

[r] Camden, [Britann., vol. iii. pp. 14, 74. ed. Gough. And see Briggs, Hist. of Hull, cc. ii. v. xii. xxx. pp. 3, 15, 86, 685. 4to. Hull 1788. Edw. the *First* appears to have more claim to be called the founder of the town; see Madox, Hist. of the Exchcq., c. xi. pp. 291, 292; and Briggs, ibid. c. iv. pp. 7—13.]

[s] [Observations &c., p. 28.—"to disfurnish the king's *seducers* of arms."]

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made "judges;" if it were before a Court of Areopagites, this plea would be laughed at or hissed out of court. How shall we judge of men's intentions best, by their words or by their actions? 'Who ever proclaimed in the streets that he had rotten wares to sell[t]?' Who ever confessed that his meaning was naught? Men's intentions may be pleaded at the bar of conscience before God for mitigation; not at the bar of justice before man for justification. Neither is it likely, that Sir John and his partners had all the same intentions; their actions speak their intentions sufficiently. And admitting their intentions were good, yet that cannot justify an unlawful action. "They shall put you out of the synagogues; yea, whosoever killeth you, will think he doth God service;" those persecutors had good intentions, but their actions were stark naught. You say, "they claimed no interest;" yet yourself claim "an interest paramount" for them. You say, they "disseised not the king," because they "denied not his right for the future," as if there might not be a disseisure without such a denial. You say, "they made no other use of the possession." The inhabitants say, they made other use of their houses and dwelt in them, they made other use of their victuals and paid not for them; the merchants say, they made other uses of their wines, spices, and wares, and sold them, and took money for them; the countrymen say, they made other use of themselves, and their servants, and their goods, and disposed them as freely as if they had been their own; the whole country complains, that Hull hath been used as a nest and refuge for seditious persons, a seminary of war, to the great damage of the subject thereabouts, besides all the blood that hath been spilt upon that occasion[u]. Whom shall a man trust, the townsmen or the Observer? But you say, they "turned none of the townsmen out of their estates." Perhaps not so soon as you writ; either there are liars, or some men's eyes were more upon York Minster and Cawood-Castle, than upon Hull or any houses in Hull; but since,

John xvi. 2.

[t] Tully. [See Cic., De Offic., lib. iii. c. 13.]

[u] [Compare His Majesties Answer to the Petition of the Lords and Commons July 1642, Exact Collect., p. 472;—his Speech to the Gentry of Yorkshire, Aug. 4. 1642, ibid. p. 489;—the Humble Petition of the Nobility and Gentry of the County of York to the Parliament, in Drake's Eborac., p. 156;—and the Petition of Holderness July 6. 1642, to his Majesty, in Rushw., vol. v. p. 641.]

that faction hath turned out whomsoever they either disliked or suspected, and have seized men's estates at their pleasure, and sent out their emissary legions roaming and plundering about the country, as if Satan were sent out from the face of the Lord, to scourge the world. "Trojan or Tyrian[x]," Papist or Protestant, all was fish that came to their nets. And if there can be no forgiveness of sin without restitution, some of them have a great account to make, either in this world or in the world to come. He tells us, this was the only means "to prevent civil war, and to disfurnish the king's seducers of arms and ammunition;" but the truth is, this hath been the only source and fountain from whence all our civil wars have sprung. Whether the king or kingdom have been 'seduced,' and by whom, the God of Heaven will discover. I would every Englishman had it engraven in his forehead, how he stands affected to the commonwealth. We beetles did see no signs of civil war, but all of peace and tranquillity: but the Observer and his confederates, being privy to their own plots, to introduce by the sword a new form of government, both into state and Church, might easily foresee, that they should stand in need of all the strength, both "in Hull and Hell, and Halifax[y]," to second them: whereof yet all true Englishmen do acquit the Parliament in their hearts' desires, though the Observer be still at his old ward, shuffling Sir John Hotham out and the Parliament in, so changing the state of the question. But what weight that consideration hath, follows in his next and last allegation.

[iii. Nor in the authority of the commanders, to justify Sir John Hotham.]

"Sir John Hotham is to be looked on as the actor, the Parliament as the author, in holding Hull. And therefore it is much wondered at, that the king seems more violent against the actor than the author; but through the actor, the author must needs be pierced[z]," &c. And, "if the Parliament be not virtually the whole kingdom itself, if it be not the supreme judicature as well in matters of state as matters of law, if it be not the great council of the kingdom as well as of the king, to whom it belongeth by the con-

[x] ["Tros Tyriusve mihi nullo discrimine agetur." Virg., Æn., i. 578.]

[y] ["From Hell, Hull, and Halifax, —deliver us," a Yorkshire proverb; see Fuller, Worthies, County York. Hull and Halifax, it seems, were celebrated for strict laws and sharp justice.]

[z] [Observations &c., p. 27.]

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sent of all nations to provide in extraordinary cases, '*ne quid detrimenti capiat respublica*,' let the brand of treason stick upon it; nay, if the Parliament would have used this forcible means, unless petitioning would not have prevailed, or if the grounds of their jealousy were merely vain, or if the jealousy of a whole kingdom can be counted vain, let the reward of treason be their guerdon[a]." Hitherto the Observer, like the wily fox, hath used all his sleights to frustrate the pursuit of the hounds; but seeing all his fetches prove in vain, he now begins to act the cat, and flies to his one great help, to leap up into a tree, that is, the authority of Parliament, "*ut lapsu graviore ruat*[b]"—"that he may catch a greater fall." By the way, the Observer forgets, how the king is pierced through the sides of "malignant counsellors."

Three things are principally here considerable: first, whether Sir John Hotham had any such command or commission from the Parliament; secondly, if he had, whether he ought to have produced it; thirdly, supposing he both had it and produced it, whether it be valid against his Majesty, or whether an illegal command do justify a rebellious act.

To the first of these.—I take it for granted, that a commission, or an ordinance, for Sir John to be a mere governor of Hull, doth not extend to the exclusion of his Majesty out of Hull; nor warrant Sir John to shut the gates against his sovereign: if it did, every governor might do the same, and subordinate command might trample upon supreme. Neither can a posterior approbation warrant a precedent excess: for this is not to authorize, but to pardon; the sole power whereof is acknowledged to be in his Majesty, without any sharers. To the first question, therefore, the answer is,—Sir John Hotham had no such warrant or commission from the Parliament: he himself "confessed, that he had no positive" or particular "order[c]." How should he know of his Majesty's

[a] [Ibid., p. 28.]

[b] [Claudian., In Rufin., I. iii. 23.]

[c] [His Majesties (first) Message to Parliament, April 24, 1642, concerning Sir John Hotham's Refusal to give his Majesty entrance into Hull:—in Exact Collect., pp. 152, 153.—"The King went to Hull April 23 (1642), but found the gates shut and the bridges drawn. And from the walls appeared Sir John Hotham denying entrance to the King, (whom) he said he 'could not admit without breach of his trust to Parliament.' The King required him to shew his order for this from the Parliament. He then said, that 'the King had too great a train,' and 'would not admit him entrance though with but twenty horse;' which so moved the King, that he caused Hotham to be there proclaymed traitor, and so returned to York." Whitelocke's Memor., p. 55.]

coming? By instinct, or a prophetical spirit? A negative cannot, ought not to be proved. The proof rests wholly on Sir John's side, and can be no other than by producing the ordinance itself; or his instrument, whereby he can receive the sense of the House from Westminster to Hull in an instant. If he have not a precedent ordinance to shew, it is in vain to pretend the authority of Parliament. Discourse II.

To the second question.—Admitting, but not granting, that he had such an ordinance, whether could it be available to him, being not produced, when it was called for and demanded so often by his Majesty? '*De non apparentibus et non existentibus eadem est ratio;*'—whether there was no such ordinance, or no such ordinance did appear, is all one, both
586 in law and reason. He that can read and will not make use of his clergy, suffers justly. He that hath a warrant and will not produce it, may cry, '*Nemo læditur nisi a seipso*'—'no man is hurt but by himself.' A known officer, so long as he keeps himself within the sphere of his own activity, is a warrant of himself; but he that is employed extraordinarily, or transcends the bounds of common power, must produce his authority, or take what falls. Sir John hath not yet gained so much credit, that his *ipse dixit*, his word, should be a sufficient proof, or his testimony in his own case taken for an oracle.

Thirdly, admitting that Sir John had such an ordinance, and likewise that he did produce it (for if we admit neither, he can prove neither), yet the question is, how valid this ordinance may be as to this act. I doubt not at all of the power of Parliament, that is, a complete Parliament, where the king and both Houses do concur; but an ordinance without the king, against the king, alters the case; this may have the authority of both Houses perhaps, but not of a complete Parliament. Secondly, the power of both Houses is great, especially of the Lords, as they are the king's great council, and in that relation are the supreme judicature of the kingdom; but before the Observer said it, I never thought the Commons did challenge any share of this judicature, except over their own members, or preparatory to the Lords; or that they had power to administer an oath, which the Apostle saith "is the end of all strife." Who ever Heb. vi. 16.
knew any judicature without power to give an oath? This

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makes the Observer's new device, of the people meeting "in their underived majesty to do justice[d]," a transparent fiction. It is not the Commons, but the Lords, or the king's council, that challenge supreme judicature. But take both Houses with that latitude of power which they have either jointly or severally, yet his Majesty saith they have no power over the Militia of the kingdom, or over his forts or magazines; he avoucheth for it the common-law, statute-law, precedents, prescriptions[e]; we have not yet heard them answered, nor so much as one instance since the beginning of this monarchy given for a precedent of such an ordinance, or of any new ordinance binding to the kingdom, without his Majesty's concurrence, in person or by commission. If the Observer have any law, or precedent, or case, he may do well to produce it; if he have none, he may sit down and hold his peace: his remote inconsequent consequences drawn from the law of nature are neither true nor pertinent. Yet I never heard, that Sir John did allege any authority from the House of the Lords, but from the House of Commons only. This brings the Parliament still into a straiter room: as if it were '*totum homogeneum*,' every part to bear the same name with the whole: so he may give the authority of Parliament to a particular committee, or perhaps to a particular member. He saith it is "virtually the kingdom." Not so, it is virtually the Commons of the kingdom; not to all intents neither, but to some purposes. He adds, that it is "the great council of the kingdom, . . to which it belongs to provide that the commonwealth receive no prejudice." It is a part of the great council, and should provide for its safety, as the grand inquest doth for the whole county, by finding out the dangers and grievances, and proposing remedies; but to prattle of a majesty or plenitude of sovereign power, derived now at this time of the day from the people, is "to draw water out of a pumice[f]," or to be "mad with reason[g]."

[Hull men accuse Sir John Hotham as a prime occasion of the present distempers.]

I have now answered all that the Observer hath brought throughout his book, either concerning Hull or Sir John Hotham. Now will he hear with patience what Hull men

[d] [Observations &c., p. 15.]

[e] [Viz. in his Answer to the Declar. of both Houses July 1, 1642,—as before quoted.]

[f] [Plaut., Pers., I. i. 42.]

[g] ["Ut cum ratione insanias." Terent., Eunuch., I. i. 18.]

say? They say, that Sir John hath been a prime occasion of these distempers, as the most severe and zealous collector of ship-money that ever was, in his shrievalty[h]; a precedent to the rest of the kingdom; not only an executor of the commands of others, but also a plotter and contriver of this business: that he hath had, not a month's mind, but sixteen years' mind, to the government of Hull (ever since the wars with Spain), upon all occasions; and, as an introduction to his designs, hath gotten the train-bands of Hull added to his regiment; that his friends have been the raisers and fomenters of these fears and jealousies of the surprising of Hull, sometimes by the lord of Dunbar's[i] men, that were trained under ground (surely they were not men, but serpents' teeth that should be turned into armed men), sometimes by Mr. Terret a Lincolnshire gentleman and his troops of horse; a fine device indeed, to have surprised Hull on a sudden, with horse, and with horse from Lincolnshire!
587 Who knows how they should have got over Humber, unless they were winged? They say, that before ever the kingdom took any notice of a breach between the king and the Parliament, Mr. Hotham openly divided them at Hull,—"They that are for the king stand there, and they that are for the parliament stand here." Did he know nothing then? Judge you. They tell who it was, that threw away his Majesty's letter in scorn, and told the Mayor of Hull it was worth nothing; who it was, that commanded the burgesses upon pain of death to keep in their houses, and not to appear when his Majesty repaired to Hull[j]; who it was, that caused the bonfires to be put out upon the day of his Majesty's inauguration upon pretended fear of the magazine, whereas

[h] [In the years] 1634 and 1635. [10 Car. 1, of Yorkshire (Drake, Eborac., p. 354); and see Briggs, Hist. of Hull, c. xiv. p. 136.]

[i] [Sir Henry Constable of Halsham in Holderness, Yorkshire, was created Viscount Dunbar in Scotland Nov. 14, 1620 (Douglas, Peer. of Scotl., p. 206). He sat in Hull as one of the Commissioners for the royal loan in 1627 (Briggs, Hist. of Hull, c. xiv. pp. 122, 123): and was sent for by warrant of the House of Commons Feb. 1, 1641-2, upon receipt by the House of letters from Yorkshire accusing him of storing up arms, "to the great terror of the country" (Perfect Diurnal of Passages in Parliament, from Jan. 31 to Feb. 7, 1641-3, p. 2).]

[j] ["His Majesty then called for the Mayor" (Mr. Raikes), "and demanded entrance at his hands: who, it is said, . . protested that he would let him in if it was in his power, but that he could not do it, there being a guard over him, the inhabitants, and at the gates, which were kept by the soldiers ready armed, with orders to put any to death who should attempt to open them." Briggs, Hist. of Hull, c. xv. p. 153.]

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at the same time his soldiers had a great fire under the very walls of it; who it was that desired of the townsmen of Hull a certificate to the Parliament, that his Majesty came against Hull in an hostile manner, with greater numbers than he had; which was refused by the greater and sounder part, as good reason they had, both because it was untrue, and also because during all the same time they were confined to their houses upon pain of death; who it was, that administered an oath or protestation to the townsmen of Hull, so directly opposite both to their oath of allegiance, and to the oath which they take when they are admitted burgesses or freemen of that corporation[k]. They say, Mr. Hotham's motto of his cornet is, "For the public liberty;" but that it was not "for the public liberty," either for him to promise the townsmen that none should be troubled with billeting soldiers against their wills, and so soon as he was gotten into Hull to fill their houses with billetters, and tell them it was policy of state to promise fair till they were in possession[l]; or for his father to hold a pistol to the breast of the king's lieutenant[m], to beat and imprison their persons, to banish them from their habitations, to drown their corn and meadow, to burn their houses, to rob them of their goods[n], and allow the owner but ten pounds out of a thousand for the maintenance of himself, his wife, and children, to suffer his officers to charge an honest woman with felony for coming into her own house, because her husband was a delinquent, and Sir John had disposed his goods. If you desire to know where was the first forcing of billets? It was at Hull[o]. Where was

[k] [See below pp. 451, 452; and a pamphlet entitled Hull's Management of the Kingdom's Cause, or, A Brief Historicall Relation of the Several Plots and Attempts against Kingston upon Hull, 4to. Lond. June 18, 1644, p. 7; a violent Parliamentarian tract.]

[l] [The Mayor and burgesses petitioned the Parliament that they might not be forced to give billets; but in vain. See the Perfect Diurnal of Passages in Parliament, from Jan. 31 to Feb. 7, 1641-2, p. 3.]

[m] [Charles complained of Sir John Hotham's "seizing his" (the King's) "wine and other provisions for his house, and scornfully using his servant whom he sent to require them, saying, It came to him by Providence and he will keep it; and so refusing to deliver it, with threats, if he or any other of his fellow-servants should again repair to Hull about it;"—in his Answer to the Petition of the Lords and Commons July 1642, Exact Collect., pp. 471, 472. It does not appear to what anecdote Bramhall alludes.]

[n] [See above p. 444. note u; and the King's Proclamation of July 8, 1642, declaring his purpose of going to Hull in person, and "the true occasion and end" of his so doing, in Exact Collect., pp. 453-455.]

[o] [See the King's Declar. of Aug. 12, 1642, Exact Collect., p. 543.]

the first plundering of goods? At Hull. The first drowning of grounds? At Hull[p]. Where was the first burning of houses? At Myton near Hull[q]: Where was the first shedding of blood? At Anlaby near Hull; and, to aggravate the matter, in a time of treaty and expectation of peace[r]. They say the first men banished from their habitations, were Mr. Thornton, Mr. Cartwright, Mr. Perkins, Mr. Fairburne, Mr. Kerny, Mr. Topham, Mr. Watson, Mr. Dobson, of Hull[s]. They say the first imposition of four pound a ton upon some kind of commodities was at Hull: and wish that the father had been translated into Lincolnshire with the son, that Yorkshire might have sung, "*Lætentur Cæli,*" &c.[t]

You have seen what they say, whereof I am but the relater: if it seem too sharp, "blame the pellican and not me." Now I must crave a word with the town. Besides the oath of allegiance which every good subject hath taken or ought to take, every burgess of that town takes another oath at his admission, to keep that town and the block-houses to the use of the king and his heirs (not of the king

[p] July 5. [1642. The king had "cut the river that brings fresh water to Hull July 4" (Perfect Diurnal, July 4 to July 11. 1642); and Sir John Hotham immediately flooded the grounds round the town by letting in the Humber upon them. The Parliament, by Declaration a few days afterwards, promised compensation to the owners and farmers whose property had been thus destroyed. (Exact Collect., pp. 459, 460).]

[q] July 9. [1642. "The hospital of the Charter-house and all Myton then standing (consisting of many houses in the lanes) were blown up and destroyed, least the Royalists might take possession of them." Briggs, Hist. of Hull, c. xv. p. 167.]

[r] July 27. [1642. "On Wednesday night late . . there sallied out of Hull 40 Horse and about 150 foote and fell upon the Cavaliers' trenches at Anlaby, where all the souldiers deserted them save two who stood centinell, and . . were slaine." Some Speciall Passages from Hull, Anlaby, and Yorke, truly informed Munday the 1st. of August 1642, p. 4. 4to. Lond. See also the King's Declar. of Aug. 12 (Exact Collect., p. 558), and Whitelocke's Memor. p. 59. The latter however has confused the skirmish just mentioned with another a few days later; where the rebels, 400 in number, were headed by Sir John Hotham and Sir John Meldram, and which is mentioned (Aug. 2, 1642) as having occurred on "the last fast day," in a pamphlet entitled Some Speciall Passages from London, Westminster, York, Hull, &c., from Aug. 1. to Aug. 9, 1642, p. 3, and in the Perfect Diurnal from Aug. 1. to Aug. 8, 1642, p. 4.]

[s] [Briggs, Hist. of Hull, cc. xv. xvi. pp. 148, 176. "Perkins" is a mistake for Parkins, and "Watson" apparently for Wat*kin*son.]

[t] [The younger Hotham passed over from Hull into Lincolnshire in April 1643 with a detachment of the rebel garrison (see a pamphlet entitled Certain Letters from Sir J. Hotham, Young Hotham, the Major of Hull, and others, intercepted and brought to Court to his Majesty April 16, 1643, pp. 8, 10); where he was defeated April 11. by Col. Cavendish at Ancaster (Mercur. Belgic., or A Brief Chronologie of the Battails, Sieges, &c. &c., from the beginning of this Rebellion to March 25, 1646,—the author was Dr. Bruno Ryves;—Mercur. Aulic., pp. 194, 195, for Sunday April 16;—Dugdale's Short View, c. xviii. p. 185).]

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and Parliament). I cannot now procure the copy to a word; but I shall set down the like oath for York; and of the two, the oath of Hull is stricter. I desire the Londoners and all the strong towns in the kingdom, who I conceive have taken the same form of oath, to take it into serious consideration for their souls' health.

"This hear ye, my Lord Mayor, Mr. Chamberlain, and good men, that I from henceforth shall be trusty and true to our sovereign lord the king and to this city. And this same city I shall save and maintain to our said sovereign lord the king, his heirs and successors, &c. So help me God."

The oath begins as solemnly as that of the Roman Fecial, —"Hear, O Jupiter, and thou Juno, Quirinus thou[u]," &c.;— and being affirmative, though it bind not a townsman *ad semper* —to be always upon the walls in arms, yet it binds him *semper*[v] —to be ready upon all necessities, it binds him never to do any thing that may be contrary to his oath. And was not that 588
protestation contrary, which was by Sir John Hotham imposed upon the inhabitants of Hull and by them taken?—

"Forasmuch as the king, being seduced by wicked and evil counsel, intends to make war against this town of Hull, who have done nothing but by order of Parliament, we therefore whose names are here under written, do protest before Almighty God and all good Christians, to be ready with all cheerfulness and willingness to our powers with our lives and estates to defend the same against all opposition whatsoever."—

Observe, first, what gudgeons he makes them swallow. How do they know that the king is "seduced?" Sir John tells them so: or that his Majesty "intended to make war against Hull?" unless because their consciences told them they had given him just grounds to do so. It was Sir John Hotham, not the town of Hull, which was accused by his Majesty. Observe, how he makes his act the act of the whole town,—"who have done nothing,"—and yet the poor men were mewed up in their houses whilst it was a doing. Lastly, how they affirm that he hath "done nothing but by order of Parliament;" yet it is certain many who were required to

[u] [Liv., i. 32.]
[v] [A distinction of Thom. Aquin., Summ. Theol., P. II. Qu. 71. art. 5.]

protest, and were banished for not protesting (I believe not one of them all), did ever yet see this order. How could they see that which never was? For these men to know that he had an order, to know that he did not exceed his order, is miraculous. Upon these feigned grounds they build their solemn protestation; what to do? "To defend Hull against all opposition whatsoever." His Majesty is not excepted: and the first words, "Forasmuch as the king being seduced," &c., shew that his Majesty is principally intended. "To save and defend the town to our sovereign lord the king and his heirs;"—so saith the oath: "To defend it against all opposition whatsoever," yea, of the "king seduced;"—so saith the protestation. Now if these two be not repugnant directly one to another, if every man that hath taken this protestation be not directly perjured, "*reddat mihi minam Diogenes*[w]"—let him that taught me logic give my money again. What is this but to entangle and engage God in rebellion, and to put His broad seal to letters counterfeited by themselves? They suffered much, who were banished for not protesting; but they more, who stayed at home with such hazard of their souls. Some men may be so silly as to ask, whether of these two engagements, the oath or the protestation, ought to be kept? The case is clear. The former obligation doth always prejudge the latter. The latter will is best, but the first oath. The protestation is plain perjury; and to persevere in it, is to double the sin. "*Dura promissio, acerbior solutio*[x];" to make the protestation was ill, to keep it is worse. David protested as much against Nabal; yet, upon better consideration, "*ensem in vaginam revocavit*[y]," he retracted it. [1 Sam. xxv. 21, 22. 32-34.]

Secondly, an oath made by one that is not '*sui juris*,' who hath no power over himself in that which he swears, is void even when it is made; as, for a child or a wife to swear against their filial or conjugal duty, or for a subject to swear against his allegiance: and such an one was that protestation: this is sufficient to make it void. To which much more

[w] [Cic., Lucull., xxx.]

[x] Ambros., [De Offic. Ministror., lib. iii. c. 12. § 78; Op. tom. ii. p. 127. C.]

[y] Bede, [Homil. Æstiv. de Sanctis, Hom. in Natal. Decoll. D. Joan. Baptist., Op. tom. vii. p. 129.]

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might be added; as, that the former oaths were grounded both upon a natural and a civil obligation; were freely assumed, but this protestation was merely forced; the former were taken before a lawful magistrate, the latter before an intruder, who had no power to administer such a protestation. But I have dwelt long enough on this point. I wish our great cities who have taken the like oath may lay it to heart.

In the close of this point, the Observer tells us, that if "Faux had fallen by a private man's sword in the very instant when he would have given fire to his train, that act had not been punishable[z]." What then? Will he compare the sovereign magistrate to a powder traitor: or his undermining the Parliament House, with the king's repairing to his own town; or his blowing up his Majesty and the peers, with the king's requiring his own goods? This is false and painted fire. The train was laid the other way.

"Quodcunque ostendas mihi sic, incredulus odi[a]."

2. Of the Irish Rebellion.

2. The next considerable observation is concerning Ireland; a tragical subject, which may justly challenge our tears and 589
prayers. The Observer falls upon this in the 17th, 29th, and 36th pages of this treatise, and likewise in his Observator Defended, and other discourses lately published, either without a name, or under another name[b]. The condition of Ireland is so much the more to be deplored, by how much the less it could then be expected. When religion began to shew its beams over the face of that kingdom, yea, without any pressure to the conscience of any man, except such as were introducers of innovations into the public service of the Church[c]; when the law had obtained a free current throughout the whole island; when the scale of equity gave the same weight to gold and lead, and the equal administration of justice to rich and poor did secure the inferior subjects from oppression; when there was a daily growth of all

[z] [Observations &c., pp. 28, 29.]

[a] [Horat., A. P., 188.]

[b] [The tracts which Bramhall calls the First Observations and the Observator Defended, bear other names in their title pages; for which see above pp. 349, 401. notes q, u. Of other tracts of Parker's, of the years 1642 and 1643, of which several exist, Bramhall has taken no further notice (the Observations themselves of course excepted) than in the text above.]

[c] [Compare Baillie's Answer to Fair Warning; and Mant, Hist. of Ch. of Ireland, vol. i. c. vii. sect. 6.]

arts, and trades, and civility; when that which was formerly so great a burden to this crown in the ordinary accounts every year, was now become able, not only to defray its own charge, but also make a large supply to his Majesty's revenue; when all the orders of that kingdom had so lately given an unanimous expression of their zeal and devotion to his Majesty's service[d]: that on a sudden the sky should be so totally overcast with a pitchy cloud of rebellion, that all our fairest hopes should be so unexpectedly nipped in the bud, deserves a little inquisition into the true reason of it.

[The Earl of Strafford no cause of it.]

Some, who have long since learned that "a dead man cannot bite," are bold to cast it on the Earl of Strafford's score; how justly, let these two considerations witness.—First, that the prime actors in this war were as great opposers and prosecutors of the Earl[e]. Members of the same faction may feign quarrels among themselves in public, only to gain upon a credulous party, and to enable themselves to do more mischief; but this never proceeds so far as blood. Secondly, look who they are in Ireland, whose heroical actions, in such a scarcity of necessary supplies, have maintained the English and the Protestant cause, and you shall find very many of them the intimate friends of the Earl of Strafford, and principal commanders in the Irish army called the "Popish army," which was said to be intended against England[f]. If you inquire further into the long robe for counsel, you will find the same observation made good. Then let the Earl's ashes rest in peace for this.

[Nor King Charles I.]

Others, bred out of the excrements of those giants who made war against Heaven, cast this upon his Sacred Majesty; —(to use the Observer's words) "an absurd, unreasonable,

[d] [See Borlase, Hist. of Irish Rebell., pp. 2, 17,—Sir G. Radcliffe's Life of Strafford, in Append. to Straff. Letters, vol. ii. pp. 434, 435,—Charles' Answer to the two last Papers from Uxbridge, in 1644, in Dugdale's Short View, Append. p. 955,—Carte, Life of the Duke of Ormonde, vol. i. pp. 83—87, and the encomium of the Irish House of Commons in March 1639-40, ibid. p. 93,—and Strafford's own Letters vol. i. p. 274, vol. ii. pp. 8, 16, &c.]

[e] [Scil. Sir Phelim O'Neale, Lords Mountgarret, Muskerry, Mac-guire, and Mac-Mahon, &c.]

[f] [See the Protest. of the House of Commons May 1, 1640, Preamble, in Rushw. vol. v. p. 735; and Straff. Letters, vol. ii. pp. 187, 228, 233, 400, 405.—The (then) Earl of Ormonde and Sir William St. Leger may be named among others as proofs of Bramhall's assertion; who were first and second in command of the forces raised by Lord Strafford in 1640 (Carte, Life of Duke of Ormonde, vol. i. pp. 97-99), were both friends of Strafford, and both prominent leaders in the contest with the Irish rebels.]

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incredible supposition[g];"—that he, who may boast more truly than Pericles could upon his death-bed, that never one Athenian did wear black for his sake[h], now, as if all his former goodness were but personated, or Nero's soul had transmigrated into his body, should delight in the blood and slaughter of his subjects! To what end? To exhaust his treasure, lose his revenues, weaken his friends, and deprive himself of the certain assistance of his subjects, at a time when he conceives it to be so useful for his affairs. They had need be strong proofs indeed, that can incline the judgment of any rational man to such a senseless paradox. Let us view them.

[The Observator's doughty arguments to prove him so.]

First, "the rebels said so," they pleaded "the king's authority, they called themselves the Queen's army[i]." Is not this a doughty argument? By the same reason we may accuse Christ as the patron of all schismatical conventicles, because they say, "here is Christ," and "there is Christ;" some out of a credulous simplicity, others out of a deep subtilty: or ascribe the primitive heresies to the Apostles, because the false teachers did use their names, to make their heresies more current. So Sir John Hotham and Serjeant Major Skippon[k] do pretend the authority of king and Parliament; the king disclaims both the one and the other. Many who are now in arms against the king, do verily believe they fight for the king, against some bad counsellors, whom they cannot name. The same rebels sometimes pleaded an ordinance of Parliament[l]. Nothing is more usual with pirates than to hang out a counterfeit flag.

[Matt. xxiv. 23.]

A second reason is, sundry "commanders" of note "were

[g] [Observations &c., p. 37.]

[h] [Plut., in Vitâ Periclis, tom. i. p. 382. ed. Bryant.]

[i] [Declaration of Houses of Parliament presented to the king March 9, 1641-2, at Newmarket; in Exact Collect., pp. 97, 98;—Petition of Lords and Commons presented to his Majesty April 28, 1642; ibid. p. 142. And see Borlase, Hist. of Irish Rebell., pp. 29, 30; and the Answ. to La Millet., in vol. i. p. 34. note r.]

[k] [Serjeant Major Skippon commanded the London Trained Bands for the Parliament. See the Exact Collect., pp. 77, 78, 194; and Whitelocke's Memorials, pp. 54, 62.]

[l] [Forged Commissions from the King, with genuine seals attached torn from other documents, were displayed by more than one leader among the Irish rebels:—by Sir Phelim O'Neale, see above in the Answ. to La Millet., vol. i. p. 34. Disc. i. Pt. i., and Sir Phelim's own confession in Carte's Life of the Duke of Ormonde, vol. i. pp. 179-182;—by Lord Muskerry, see Biogr. Brit., art. Roger Boyle, Earl of Ossory, note B. See also Nalson, vol. ii. pp. 527—530; and the pamphlets in vol. v. of the Somers Collection, pp. 624—664.]

passed over into Ireland by his Majesty's warrant," who were seen presently after "in the head of the rebels[m]." His Majesty hath long since answered this, and demanded reparation of such a groundless calumny[n]. I only add two things: the one, how ignorant our intelligencers are of the state of Ireland, to feign such a device of a brother of Sir
59 George Hamilton's; yet Sir George hath no brother there but Sir Frederick, who was then and long after, in Manor Hamilton, as opposite to the Irish rebels as the Observer himself[o]: the other is, if this were true, yet it were but a poor collection; there are many who have had, not only warrants under the king's hand, but letters patents under his broad seal, who owe their very subsistence to his Majesty's bounty, yet have made a shift to creep from his bosom out at his sleeve. If such a thing had been (as it is an impudent fiction), yet these are neither the first nor the last, that have betrayed the trust of a gracious king.

The third and last reason is, because his Majesty was not so active to repress this insurrection, nor so ready to proclaim them traitors: so the Observer;—"He that will not accuse the king of want of zeal against the Irish rebels, yet he may truly say, there is not the same zeal expressed that was against the Scots[p]," &c.; "the profferred supplies of the English and Scottish nation are retarded, opportunities neglected, nice exceptions framed[q]." This plea is pertinent, to make the king, though not the contriver, yet the conserver, of that rebellion; but is as false as the father of lies, from whom it proceeds. Hear his Majesty himself;—the Irish "rebels practise such unhuman and unheard of outrages upon our miserable people, that no Christian ear can hear without horror, nor story parallel; and as we look upon this as the greatest affliction it hath pleased God to lay upon us, so our

[m] [Declar. of Both Houses of Parl. sent to the king March 16, 1641-2.—in the Exact Collect., pp. 115-117: and see the King's Message to the House of Commons in Feb. 1641-2, upon occasion of Pym's Speech (Jan. 25. 1641-2, at a conference with the Lords, bringing this charge against Charles), with the reply of the House, ibid. pp. 69-73.]

[n] ["His Majesties Answer to a Message sent to him by the House of Commons concerning licenses granted by him to persons to goe into Ireland,"—ibid. p. 118.]

[o] [See Borlase, p. 88. "The device was feigned" of Sir George Hamilton himself.—Declar. quoted in note m.]

[p] First Observat. [Few Observ. &c.,] p. 11.

[q] [Ibid.]

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unhappiness is increased, in that, by the distempers at home, so early remedies have not been applied to those growing evils, as the necessity there requires; . . . and we acknowledge it a high crime against Almighty God, and inexcusable to our good subjects, if we did not to the utmost employ all our powers and faculties to the speediest and most effectual assistance and protection of that distressed people[r]." He "conjures" all his loving subjects to "join" with him in that work[r], he offers to hazard his sacred person in that war[s], to engage the revenues of his crown[t]; what can the Observer desire more? Perhaps he may say these offers came late and unseasonably. Then let us look backward to his Majesty's proclamation of the first of January, 1641, soon after his return from Scotland, in a time of so great distractions here at home, when that Remonstrance which ushered in all our fears and troubles was ready to be published; let them shew, that any course was presented to his Majesty before this, either by his great council, to whom he had committed the care of it, or by his Lords Justices and Council of Ireland, who were upon the place;—"We, abhorring the wicked disloyalty and horrible acts committed by those persons, do hereby not only declare our just indignation thereof, but also do declare them and their adherents and abettors, and all those who shall hereafter join with them, or commit the like acts on any of our good subjects in that kingdom, to be rebels and traitors against our royal person, and enemies to our royal crown of England and Ireland," &c.; commanding them to "lay down arms" without delay, or otherwise "authorizing and requiring" his "Lords Justices" there, and "the general of" his Majesty's "army, . . to prosecute them as traitors and rebels with fire and sword[u]." But if we look further still, when the first tidings of this cursed rebellion came to his Majesty in Scotland, he did not sleep upon it, but presently acquainted both his Parliaments with it, required their assistance, recommended it to their care, promised to join in any course that

[r] Declaration upon the Remonstrance, p. 21. [viz. "His Majesties Declaration to all his loving Subjects," in Dec. 1641;—in the Exact Collect., p. 29.]

[s] [Message of Feb. 14, 1641-2, ibid. p. 75.]

[t] [Message of April 8, 1642, ibid. p. 134.]

[u] [In the Exact Collect., pp. 33, 34.]

should be thought fit[v]. Neither did his Majesty's care rest there, but at the same time he named six or seven colonels in the north of Ireland, to raise forces instantly to suppress that insurrection, which was done accordingly[x]: and they say, if some had been as active then, as they were made powerful by the confluence of that part of the kingdom, in all probability that cockatrice-egg had been broken sooner than hatched; before that ever any of the old English, and many of the mere natives, had declared themselves. In pursuance of these premisses, when the Act for Undertakers was tendered to his Majesty, he condescended freely to give away all his escheats to this work (an act not to be paralleled among all his predecessors); yea, though some clauses in that statute (especially for the limitation of his Majesty's grace) might seem to require a further discussion[y]. The wants of Ireland and the present condition of England do speak abundantly, whether those great sums of money, or those great forces, raised for that end, have been employed to the use for which they were solely designed[z]: yet Rabshakeh will not want a [2 Kings xviii. &c.]
591 pretext to rail at good Hezekiah, though, spider like, he suck poison out of the sweetest flowers. Surely there must be some fire whence all this smoke hath risen. Perhaps they conceive, that his Majesty was not willing, without good advice, upon the first motion, to put all his strong forts in the north of Ireland into the hands of the Scotch army; can you blame him, considering the present state of affairs there? I dare refer it to any man's judgment that is not wholly prepossessed with prejudice, whether it was expedient at that

[v] [See the King's Speeches of Dec. 2, and 14, 1641, in the beginning of the Exact Collect.; and the Declar. quoted in note r. p. 457.]

[x] [Carte, Life of the Duke of Ormonde, vol. i. pp. 188, 197, 308, 350. The commissions were despatched Nov. 16. 1641; and the forces thus raised kept the Ulster rebels in check until the Scotch forces landed in April 1642 (Carte, ibid., p. 309). The old English of the Pale did not join the rebellion, until they were forced into so doing by the injudicious measures of the Lords Justices in Dec. 1641 (Carte, ibid., pp. 243-253).]

[y] [Borlase, Hist. of Irish Rebell., p. 90.—Carte, Life of Duke of Ormonde, vol. i. pp. 301-308. The Act was for undertakers to pay certain sums towards the suppression of the Irish Rebellion on condition of receiving a proportion of the lands to be forfeited. See the propositions of the two Houses, and the King's consent, in the Exact Collect., pp. 84-88.]

[z] [100,000*l.* of the money was employed by the Parliament (by order of July 30, 1642) in the equipment of their own army against the King. Borlase, ibid. pp. 93, 94,—Exact Collect., pp. 570, 571. The whole sum actually remitted to Ireland from the same source amounted but to 108,500*l.* altogether (Carte, Life of Duke of Ormonde, vol. i. p. 353).]

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time, or conducible to the speedy settlement of Ireland, for them to make that demand? To divide a little army sixty miles one part from another, as far as betwixt Londonderry and Carrickfergus or the Newry, where impassable rivers and mountains and an uncertain passage by sea would not permit one part to assist another, was a ready way either to a long war or certain overthrow, and not to bring it to a quick conclusion[a]. Neither did these places stand in need of any addition of forces to secure themselves, whose service and victories against the rebels may compare with any forces in the north of Ireland[b]: all their desire was, that this army would but shew themselves the masters of the field, to carry the war home to the rebels' own doors. Or if they had desired more garrisons, Dungannon or Charlemount in the heart of Tyrone had been much more convenient to distress the enemy, than to have all their forces lie scattered up and down the sea coast. But these things were accorded quickly; and week after week and month after month passed, before any forces moved out of Scotland for the relief of Ireland. Or perhaps his Majesty was not willing, in a preamble of a bill to press soldiers for Ireland, to divest himself altogether of the power of the Militia here in England. We cannot be contented of late to gather the fruit, unless we may break the bough that did bear it; or to quench our present thirst, unless we may alter the property of the fountain. Howsoever, to extinguish all questions, his Majesty did freely offer to raise with speed ten thousand English volunteers for that service, or to pass a bill without any mention of the right[c], which might do the work without prejudice to any person.

[The probable causes of it.]

What is it then, which may in probability be thought the

[a] [By the third proposition of the Scotch Commissioners Jan. 24, 1641-2, demurred to by the King at first as "too great a trust for auxiliary forces," but yielded by him finally Jan. 27, "the town and castle of Carrickfergus" were to be given into the hands of 2500 men to be sent from Scotland into Ireland (Exact Collect., pp. 56-59); and by the articles of Aug. 6, 1642 (Dugdale, Short View, Append. p. 911), made without the King's participation (Answ. to two last papers from Uxbridge, ap. Dugdale, ibid. p. 953), Coleraine was to be given up to them also.]

[b] [At the outbreak of the rebellion in Ulster every place of strength and the whole country fell into the hands of the rebels, excepting Londonderry, Coleraine, and Carrickfergus, which served as places of refuge for the English (Carte, Hist. of Duke of Ormonde, vol. i. pp. 172-175, 184).]

[c] [Message of Dec. 28, 1641 to the House of Peers (Exact Collect., p. 33), and Speech to Both Houses Dec. 14, 1641 (Ibid. p. 4).]

ground of this rebellion? It requires not so long a search as the head of Nilus; for though I deny not but that the hen might be sitting, and some Irish have been long plotting such a thing in foreign parts, yet "they sat so far from their nests that they could never have hatched it[d]," without some extraordinary helps. Some say, that by weak management sovereign authority was grown contemptible; or that desperate estates or crying debts did engage the ringleaders both in Ireland and elsewhere into such courses; or that personal quarrels and revenge might challenge a share. Some say, that there was a general desire to shake off the English government. But omitting these and the like, there are two grounds visible enough. The one is, the example of the late covenant of their neighbour nation[e]. As the loadstone draws iron to it, so examples, especially if they be successful, have an attractive virtue and influence. I doubt not but the one went upon much safer grounds than the other in point of policy, neither do I desire to argue the lawfulness in point of justice, being a mere stranger to their national laws. This is certain, there was a vast difference in the manner of prosecution, the one being more bloody than the other: which, whether it be to be ascribed to their several principles, or to some particular and accidental reasons, I leave every man to his own judgment. This is all I say, that if the one had not piped, in probability the other had not danced. A second reason was, a general apprehension of jealousies and fears at that time, that the liberty both civil and religious of the subject and of conscience, and the exercise of their religion, should be quite taken away from them; occasioned by some indiscreet threatenings, and some high-flying petitions; and nourished and augmented by turbulent and seditious persons, who persuaded the common people, that there was no security to be expected, either for life or for religion, soul or body, without such a general insurrection. Thus men plunge themselves into real dangers out of fancied and imaginary jealousies and fears[f].

[i. The example of the Scottish covenant.]

[Matt. xi. 17.]

[ii. An apprehension of losing their religious and civil liberty.]

[d] Guicciardini.

[e] ["They" (the Irish rebels) "did this for the tyrannical government that was over them, and *to imitate Scotland who had got a privilege by that course.*" Mac-Mahon to O'Connally (who informed the government of the rebellion), in the latter's deposition Oct. 22. 1641 (Cox, Hib. Angl., vol. ii. Append. num. ii. p. 3).]

[f] [Carte (Life of the Duke of Ormonde, vol. i. pp. 154-156, and pp.

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[The Irish and English rebellions compared.]

The next thing in the Observer concerning Ireland, is the disparity between the proceedings of "the true rebels in Ireland and the misnamed rebels here in England."—"Their actions are all blood, rapine, torture; all ages, sexes, conditions have tasted of their infernal cruelty; their intentions" were, "to extirpate religion," &c., "to massacre" the English 592
"nation;" . . "their chief leaders are Jesuits and mere bandettoes[g]," &c. Far be it from me to justify, or so much as qualify, those barbarous acts which have been committed in Ireland. Cruelty is an argument of a coward, not of an heroical nature. But it ill becomes the Observer to inveigh against the Jesuits, until he have first taken "the beam out of his own eye." He that shall compare Dolman or Parsons the Jesuit with this Observer, either for dangerous positions or virulent detractions, may say, "*Aut Philo Platonizat aut Plato Philonizat*[h];"—'Good wits jump.' The Observer doth but sup up what Parsons and some others had disgorged before, that he might vomit it up again. When once the banks are broken, it is hard for him that was the cause of the inundation to prescribe limits to it. Had the Observer and his partners been as much the major part of England as the Papists were of Ireland, we should have seen what men they were. In the mean time the Observer hath given a caution, that whilst Christians remain "in a primitive condition[i]," that is, are the weaker part and want strength, it is discretion (not duty) to conceal themselves. The Irish rebellion is against the authority of the king, not against his person; this both against his person and authority. The Irish seek a liberty of conscience to themselves; these not only a liberty, but to impose a necessity upon all others. The Irish desire a capacity of preferment, yet at his Majesty's discretion to cull out whom he pleaseth; these men will be their own carvers, and not leave the king such a latitude[j].

[Matt. vii. 5.]

233-237) assigns as the general causes of the rebellion, the discontent and fears of the Romanist clergy and of the old Irish septs; and in his narrative implies its immediate cause, the utter inefficiency of the Lords Justices, Borlase and Parsons, who had succeeded Strafford in the government. A similar design had been nipped in the bud by the latter in 1634, and no one the wiser:—Carte, ibid., vol. i. p. 155.]

[g] [Observations &c., p. 29.]

[h] [Hieron., Catal. Scriptor. Illustr., in Philon.; and see above p. 370. note p.]

[i] [Animadvers. Animadverted, p. 5. See above p. 349. note q.]

[j] [See the Nineteen Propositions presented by the Parliament to the King June 2, 1642 (Exact Coll., pp. 307-310); of which the first three propose, that

The Irish fight against men of another religion, of another nation; we like wild beasts fight Protestant against Protestant, Englishman against Englishman, brother against brother, parent against child: they fight for to recover what they had lost, we fight to lose what we have: they know what they fight for, the greatest part of us fight for we know not what: like the two Paduan brethren, the one supposing he had as many oxen as there were stars, and the other supposing that he had a pasture as large as the heavens; the mortal quarrel between them was, whether the one's conceited oxen might feed in the other's supposed ground. But believe it, they that cannot make rational men understand, why they put them by the ears together, have secret reasons to themselves, that they dare not manifest to others.

[The Observator's error,—that Ireland is one kingdom with England in the same manner that Wales is.]

The last passage concerning Ireland is an answer to his Majesty's objection, that 'if the major part of both Houses in Ireland should vote a danger to their religion or that kingdom, and thereupon by ordinance settle the Militia in the hands of such persons as they may confide in of the Roman communion,' they had the same grounds and pretences that our men have[k]. The Observer answers,—that this "is improperly urged, for England and Ireland are the same dominion;" that "there is as true and intimate an union betwixt them, as between England and Wales; and though . . they do not meet in one Parliament, yet their Parliaments to some purposes are not to be held several; and therefore, if the Papists in Ireland were stronger and had more votes [in Parliament than the Protestants], yet they would want authority to overrule any thing voted and established here in England; the reason why the minor part in all suffrages subscribes to the major, is that blood may not be shed, for in probability the major part will prevail, else strife and bloodshed would be endless; wherefore the major part in Ireland ought to sit down and acquiesce, because Ireland is not a several monarchy from England, nor is that a major part of Ireland and England too, for if it were, it

all Privy-Councillors, ministers of state, &c., should be chosen with "the approbation" of Parliament.]

[k] [Answ. to Remonstr. of May 26, 1642;—in Exact Collect., p. 288.]

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would give law to us, as we now give law there, and their statutes would be of as much virtue here as ours are there[l]," &c.

Such doctrine as this hath helped to bring poor Ireland to that miserable condition wherein now it is. Will you hear with patience, what the Irish themselves say of this? If any ordinance may be imposed upon us without an approbative or so much as a receptive power in ourselves, where is our liberty then? our government is merely arbitrary, our condition is slavish. We had Magna Charta granted to us as well as England, and since that time, all other liberties and privileges of the English subject: shall that which is ours be taken from us without our own act or our own fault; and we never heard either in our persons or by our proctors? We desire the Observer to remember what he said before,—"That which concerns all, ought to be approved by all[m];" we have no burgesses nor representatives there; and that "it is unnatural for any nation to contribute its own inherent puissance merely to support slavery[n]." Let the definition be according to the major part of the votes; but shall the minor part be 593
denied a liberty to discuss or vote at all? As we deny not but the kingdom of Ireland is united and incorporated to the crown of England, so we understand not, by what right any power derived from the English subject can extend itself over us. That power which they have over us is relative; as they are the king's council, wherein he confides; or by virtue of his delegation to his judges, representing his own person. Thus they.

For further answer.—First, this is a mere trifling, and declining of the force of his Majesty's argument: which lies not in this, whether Ireland be a distinct kingdom; but, supposing it to be a distinct kingdom (as without doubt it either is or might be), whether that, in such a case as is propounded by his Majesty, it were lawful for them to assume such a power, contrary to the law of God and of nations; or, if Ireland were as much bigger than England as France is (it is no strange thing for a greater kingdom to be conquered by a lesser), whether in such a case they might "give law to us,"

[l] [Observations &c., p. 36.]
[m] [Ibid., p. 5.]
[n] [Ibid., pp. 3, 4.]

or their statutes be "of as great virtue here as ours are there," merely because it is so voted by the major part of the representative body:—"an absurd incredible" assertion[o].

Secondly, there is not the like reason of Ireland and Wales. Wales is encircled with the same sea, a part of the same island, and originally in the days of the Britons a branch of the same kingdom. Wales was incorporated to the realm of England by Act of Parliament[p]; so was not Ireland. Wales have their Peers and burgesses sitting in the English Parliament; so hath not Ireland. Wales hath no distinct Parliaments of its own; but Ireland hath.

Thirdly, as the Irish readily grant, that their common law is the same with ours, so they will not easily believe, that the English statutes are all of force in Ireland. What? all? even to an act of subsidies? Who ever heard that? It is true, there hath been a question moved among some lawyers, and those perhaps who were not the most concerned or versed in it, of the English statutes, what statutes and in what cases and how far they are binding to the Irish subject[q]; but I have not heard their opinion was so high as the Observer's, or that ever the bell was rung out yet. If all English statutes be of force in Ireland, what need was there for Henry the Seventh to make an express statute in Ireland to authorize and introduce all the English statutes before his time to be of force in that kingdom[r]? This Act had been supervacaneous and superfluous. And since that time, we see many statutes of force in England, that are of no force at all in Ireland; and many both before and since that time of force in Ireland, that have no power in England.

Lastly, this Observer might be well one of Father Garnet's disciples. "When he was asked about the Powder Treason, whether it was lawful to take away some innocents with many nocents, he answered, 'Yes, so it was compensated by a greater benefit or profit[s];'" which may perhaps be true sometimes (as in time of war), accidentally, in public and necessary, but not in private and voluntary agents. So the Observer makes profit and strength to be the only rule and

[o] [Ibid., p. 37.]
[p] 27 Henrici VIII. cap. 26.
[q] [See Blackstone, Introd. § 4.]
[r] [Irish Statutes, 10 Hen. VII. cc. 5, 22.]
[s] [See Foulis, Rom. Treasons, bk. x. c. ii. sect. 2. p. 697.]

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measure of all actions of state. Justice and piety are banished by an ostracism out of his Utopia. This is to enslave reason, and crown bodily strength; to silence law and justice, and to deify force and power.

[3. Of the clergy.]

3. The Observer is every where girding at the clergy. It is well that his new superstition reversed will allow them that name. Have they not great cause to thank him, as the poor Persians did their king, when they were condemned, that he was pleased to remember them? Sometimes he scoffs at the "tribe[t]." There were seditious schismatics of all tribes. Sometimes he derides their "pulpiting[u]" (it may be he likes a chair better), because they "teach a divine prerogative, which none understand but these ghostly counsellors, who always express sufficient enmity and antipathy to public acts and pacts of men[x]." He that accuseth another, should first examine himself. I do not believe, that ever there was any divine in the world, that made kings such unlimited creatures, as this Observer doth the people. I have read some discourses of this subject; but I did never see any one so pernicious to a settled society of men, or so destructive to all human compacts, as this seditious bundle of Observations; which makes the law of '*salus populi*' to be a dispensation from Heaven for the breach of all oaths of allegiance, and all other obligations whatsoever; which measures justice by the major part, 591
and makes strength and power the rule of what is lawful; which gives the people the last judgment of necessity, and upon this judgment a power to rise in arms. If any divine have unwittingly slipped into any such errors, in not distinguishing between an absolute and respective sovereignty (which I can hardly believe), yet the Observer might have held his peace for shame: the one is so intent upon the law of God, the other upon the law of nature, that they both forget the known laws of the land.

The calling of Bishops not popish.

Especially he shews his spleen against Bishops, sometimes calling them "Popish Bishops[y]." If Popery were as ancient as Episcopacy, the Observer might shake his ears at it to small purpose. Sometimes he styles them the "Prelatical

[t] [Animadversions Animadverted, p. 7.]
[u] [Ibid., p. 8.]
[x] [Few Observations &c., pp. 15, 16.]
[y] [Observ. &c., p. 4.]

faction[z]." If that be a faction, which is established by the fundamental law of the land, and hath ever been a radicated order of the kingdom, what may a man think of his reverend coachmen and button-makers, and the rest of that diversified schismatical fry? Sometimes he makes "Levi and Simeon, Hierarchists and Papists," the "heads of the main malignants[a]." I hope the Observer will allow some government in the Church; either of Councils, or synods, or Assemblies, or consistories, or senates, or presbyteries; either diocesan, as it is at Geneva; or parochial, as it is in the Low-Countries; either of presidents, or moderators, or visitors, pastors, doctors, curate or not curate, elders perpetual or annual, deacons, widows, or some of them; for they are not very well agreed about any of these; in one place elders are commissioners to the Seigniory, are placed and displaced by the magistrate, take an oath of obedience to the magistrate[b]; in other places the king hath not so much as the place of a lay-elder, except he be chosen[c]. Or perhaps the Observer is for none of all these ways; but as arrant an Independent in the Church, as he desires to be in the commonwealth. DISCOURSE II.

Here are many things very considerable in this business.

First, that in doubtful cases '*melior est conditio possidentis*,' —possession is a strong plea, especially if it be of long continuance, as this of Episcopacy is,—ever since Christianity was planted in this kingdom. This is certain, British Bishops have been of note in foreign Councils, since the second Council of Arles, which is above thirteen hundred years[d]; to say nothing of Aristobulus, mentioned in the Epistle to the Romans, whom some good authors make a Bishop in this island[e]. They that shall go about to shake in pieces such an ancient institution, which was brought into the Church either by the authority, or at least by the approbation, of the Apostles, had need to bring clear proofs, not blind conjectures, about which they themselves cannot agree one with another. Bishops flourished long in this kingdom, even when the [i. 1300 years old and more in England.]

[Rom. xvi. 10.]

[z] [Ibid., p. 25.]
[a] [Few Observ. &c., p. 16.]
[b] [Scil. Geneva; see above in Fair Warning, c. ii. p. 245. Disc. i. Pt. i.]
[c] [Scil. Scotland; see above, ibid.]
[d] [Act. Conc. Arelat. (A.D. 314), ap. Labb., Concil., tom. i. p. 1430: where three British Bishops were present.]
[e] [See Ussher, De Primord. Brit. Eccl., c. i. pp. 9, 10; and some further evidence to the same purpose in the Rev. J. Williams' Eccl. Antiq. of the Cymry, c. i. p. 57. publ. in 1842.]

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British Church enjoyed the Cyprian privilege, and acknowledged no subjection to any foreign see whatsoever[f].

[ii. Woven and riveted into the body of the English law.]

Secondly, that which the Observer saith of monarchy,—that "our laws are locked and cabinetted in it, in such manner, that the wounding of the one is the bleeding of the other[g]" (though he forget it throughout his discourse), is likewise true of Episcopacy, that it is woven and riveted into the body of our law. Hear a witness beyond exception;—"For the government of Bishops, I for my part, not prejudging the precedents of other Reformed Churches, do hold it warranted by the Word of God, and by the practice of the ancient Church in the better times, and much more convenient for kingdoms than parity of ministers or government by synods[h];"—and presently after;—"It is worth noting that the Scripture saith, *'translato sacerdotio, necesse est ut et legis fiat translatio;'* it is not possible, in respect of the great and near sympathy between the state civil and the state ecclesiastical, to make so main an alteration in the Church, but it would have a perilous operation upon the kingdom; and therefore it is fit that controversy be in peace and silence[i]." It would not be forgotten what was cited before, out of Cartwright[k], that "as the hangings must be shaped according to the house," so "must the civil government be conformed to the government of the Church." The Anabaptists began with Bishops, but at length the Emperor was with them but *Carolus à Gandavo*—Charles of Gant. I leave it to others to judge, by what fate or fortune it comes to pass beyond the sea, that wheresoever any other regiment of the Church takes place, if the favourers of it be the major part, and have power in their hands, it either finds or makes a popular state; every man's own imagination will supply him with instances. And 595
this may be the reason why Calvin (a wise man), in an Epistle to the King of Polonia, doth represent (not the disciplinarian but) Episcopal government as fitter for monarchies. Having shewed the regiment of the Primitive Church by Patriarchs, Primates, and Bishops, he proceeds thus;—"As

[Heb. vii. 12. Vulg.]

[f] [See above in the Just Vindic., c. v. vol. i. p. 161. Disc. ii. Pt. i.]

[g] [Animadvers. Animadverted, pp. 7, 8.]

[h] Lord Verulam's Considerations, [p. 7. ed. 1689:—"not *prejudicing* the precedents," &c.]

[i] [Ibid.]

[k] [Above p. 316, note u.]

if at this day one Archbishop should be over the illustrious kingdom of Polonia, not to domineer over the rest, or arrogate their right unto himself, but for order's cause," &c.; and further,—"There should be a Bishop in each city or province, to attend peculiarly to the preservation of order" (mark his reason), "even as nature itself doth dictate to us, that in every College one ought to be chosen, upon whom the principal care of the College should rest[l]."

[iii. Universally received throughout the whole Christian world.]

Thirdly, Episcopacy is not only ancient and cemented into our laws, but also was universally received, without any opposition, or so much as a question, throughout the whole Christian world, among all sorts of Christians, of what communion or profession soever they were, Grecian, Latin, Russian, Armenian, Abyssene, &c., yea, even among those, who by reason of the great distance and remoteness of their countries never heard of the Pope, nor of the name of Rome, ever since the Apostles did tread upon the face of the earth, until this last century of years; so far it is from being a relic of Popery. And the Observer is challenged to name but one Church, or so much as one poor village, throughout the whole world, from the days of the Apostles till the year of Christ 1500, that ever was governed without a Bishop (I except the Acephali or such disordered persons, that had no government at all[m]); or to name but one lay-elder, or one ambulatory Bishop that governed by turn or course, in the Primitive times, in the whole Catholic Church, before the year 1536, when Calvin came to Geneva[n]. We find the proper and particular names of Apostles, Evangelists, Bishops, Presbyters, and Deacons, in the Scriptures, in Councils, in ecclesiastical histories, in the Fathers. If he and all his friends be not able out of all these authorities to name one particular lay-elder or ambulatory Bishop, the reason must be, because there never was such a creature *in rerum naturâ*. And his elders in St. Ambrose[o] and St. Jerome[p], are much mistaken. How

[l] Epist. 190. [ed. Lausann.—pp. 86, 87. in fin. tom. ix. ed. Amst.—A.D. 1554.]

[m] [Evagr., Hist. Eccl., lib. iii. c. 13; —Niceph., Hist. Eccl., lib. xviii. c. 45. See Mosheim, Hist. of the Church, Cent. V. Pt. ii. c. v. § 20.]

[n] [See Bancroft's Survey, c. ii. p. 18. c. v. pp. 71-76.]

[o] ["Nam et Timotheum presbyterum a se creatum Episcopum vocat" (S. Paulus), "*quia primi presbyteri Episcopi appellabantur;* ut recedente eo sequens ei succederet: sed quia cœperunt sequentes presbyteri indigni inveniri ad primatus tenendos, immutata

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should they be otherwise, the one author being a Bishop himself, and the other deducing Bishops in Alexandria from St. Mark[q], and telling us plainly (that which we find to be true) that 'without Episcopal authority there will be as many schisms as Priests in the Church[r]?' The "Hierarchists[s]" (as he calls them) will be contented to wave all other authors, and be tried by either of these. The "seven Angels" in the Revelation cannot be the seven Churches, for the Angels and Churches are plainly distinguished; but it must be the seven Bishops of the Churches. These were not parochial Churches; each of them had many pastors, and many particular flocks. Beza confesseth[t], that these "Angels" were presidents over the other presbyters; but he believes not they had a priority of power, or that this presidency was permanent, but went by course. If the government went by turns, I would gladly know, why one of them is called an "Angel" more than the other. Surely he that shall read the seven epistles,—how some of them are commended for their constancy and perseverance in their government, and others reprehended for suffering heretics to continue in their Churches,—will find sufficient ground in every one of these epistles to believe, that they were not changeable every week or month or quarter of a year, but constant and permanent governors, having power of jurisdiction to repress abuses; otherwise why are they taxed for the abuses done in their dioceses, if it were not in their power to remedy them? And if he will give credit to the testimony of the Primitive Fathers, he may find both who sundry of these "Angels" or Bishops were, and also who were their successors[u].

Rev. ii., iii.

Rev. i. 20.

est ratio, . . ut *non ordo sed meritum crearet Episcopos.*" Pseudo-Ambros., Comment. in Epist. ad Ephesios c. iv. vv. 11, 12, Op. tom. ii. Append. pp. 241. F, 242. A.]

[p] ["Idem est ergo Presbyter qui Episcopus; et antequam Diaboli instinctu studia in religione fierent, . . communi Presbyterorum consilio Ecclesiæ gubernabantur: postquam vero unusquisque eos quos baptizaverat suos putabat esse, non Christi, in toto orbe decretum est, ut unus de Presbyteris electus superponeretur cæteris ad quem omnis Ecclesiæ cura pertineret, ut schismatum semina tollerentur." Hieron., Comment. in Ep. ad Titum c. i, Op. tom. iv. P. i. p. 413.—"Quod autem postea" (scil. after the settlement of the Church) "unus electus est qui cæteris præponeretur, in schismatis remedium factum est, ne unusquisque ad se trahens Christi Ecclesiam rumperet." Id., Epist. ad Evangelum (Evagrium, in editt. before the Benedictine), Op. tom. iv. P. ii. p. 803.]

[q] [Hieron.,] Epist. ad Evagrium, [as just quoted.]

[r] [Id., ibid. as just quoted.]

[s] [Few Observ., p. 16.]

[t] Answ. to Saravia, p. 160. [and compare pp. 141—143.]

[u] [See authorities in Bingh., Orig. Eccl., bk. ii. c. 1. § 4.]

Fourthly, though in such variety of new forms of Church regiment he hath not expressed himself to what form he inclines, saving that in one place he speaks of "a juncto of divines[x]" (I cannot think but himself would have the naming of them), yet we will suppose that which we are far from believing, that a few green heads see more than all the Fathers, and Councils, and Schoolmen; and that the Observer's busy working brain could mould a Church better than all the Apostles. Notwithstanding all this, St. Austin's rule to
596 Januarius is very considerable;—'If you will not err, do that which I use to do, to whatsoever Church I come, I apply myself to the ceremonies thereof[y].' He would have added 'the Discipline' also, if there had been sundry forms; but there was none but Episcopacy then in the world. God is a merciful God, and looks upon His creatures with all prejudices of education, habitation, &c. Faction is more offensive to Him, and breach of charity more dangerous to the soul, than any unknown error in discipline; much more where the error is but supposed or feigned, and the schism apparent. Now, for the discipline of the Church of England, all men know and grant that it hath ever been Episcopal. In the public Liturgy of our Church, confirmed by Act of Parliament, we pray for Bishops. In our Book of Ordination, confirmed by the same authority, it is directly affirmed, as "evident" by "Scriptures and ancient authors, that from the time of the Apostles there have ever been these orders of ministers in Christ's Church, Bishops, Priests, and Deacons[z]," and that these orders are appointed by the Holy Ghost[a]. In our Book of Articles, which contains the received doctrine of our Church (and therefore without doubt comes within the compass of our late Protestation[b]), the same Book of Ordination is maintained; and it is plainly affirmed, that 'there is nothing contained in it,' which "is either superstitious or

[x] [Observations &c., p. 36.]

[y] [S. August., Ad Januar., Ep. liv. § 3, Op. tom. ii. p. 124. F. "Cum Romam venio, jejuno Sabbato; cum hic sum, non jejuno. Sic etiam tu, ad quam forte Ecclesiam veneris, ejus morem serva, si cuiquam non vis esse scandalo nec quemquam tibi."—from St. Ambrose. See also § 6, ibid. p. 126. C; and Ep. xxxvi. § 32, Ad Casulan., ibid. p. 81. C.]

[z] [Pref. to the Ordinal.]

[a] [In the Ordinal itself.]

[b] [Scil., the Solemn Protestation, for King and Church, as by law established, taken by both Houses in May 1641. Nalson, vol. i. pp. 810, 811;—Rushw., vol. iv. p. 736.]

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ungodly[c]." In the Apology of our Church, published to the whole Christian world, and by all Protestant Churches approved and applauded, we declare, that "we believe that there be divers degrees of ministers of the Church, whereof some be Deacons, some be Priests, some Bishops[d]." Which being so, it deserves some consideration, which King James saith in the latter end of his Proclamation for Uniformity,—"Such is the unquietness and unstedfastness of some dispositions, affecting every year new forms of things, as, if they should be followed in their unconstancy, would make all actions of states ridiculous and contemptible; whereas the stedfast maintaining of things by good advice established is the weal of the commonwealth[e]."

[Maintained by others than Bishops.]

I should not enlarge myself any further about this consideration, but for two reasons. The one is, I find it said by some, that scarce any but Bishops have hitherto maintained Bishops. Take only three testimonies of many; they were all members of the English Church, yet all strangers, and all had lived in places opposite to Episcopal government, none of them either Bishops or their chaplains or expectants. The first is King James, the most learned of kings;—"I have always thought that there ought to be Bishops in the Church, according to the Apostolical institution, and (by consequence) Divine ordination[f]." The second is learned Bucer, a German, and employed in the first Reformation of this Church to read divinity in Cambridge; one that was so opposite to Popery, that after his death his very bones were taken out of his grave and burned by the Papists[g]. He is full in many places: take one;—"From the perpetual observation of the Churches, from the very Apostles themselves, we see that it seemed good to the Holy Ghost, that among the ministers, to whom the charge of the Church was especially committed, one should undergo a singular care of the Churches and the whole Ministry, and in that care and solicitude was before all the rest; for which cause the name of a Bishop was peculiarly attributed to the highest procura-

[c] Artic. 36.

[d] [Juelli Apolog. Eccles. Angl., in Enchirid. Theol., vol. i. p. 122.]

[e] [March 5, 1603; ap. Wilkins, Concil., tom. iv. p. 378.]

[f] Preface to Christian Monarchs, [p. 304, Op. ed. Montacut. 1619, prefixed to his Apol. pro Juram. Fidel.]

[g] [Fox, Acts and Monum., vol. iii. pp. 639, &c.]

tors of the Church[h].” The third is Peter Martyr, at the same time employed to read divinity at Oxford. Having expressed his consent and concurrence with St. Jerome concerning Episcopacy, he proceeds;—“So far it is from us to bring confusion into the Church, that rather we follow the same way; for there is no diocese with us, or city, where, of many pastors, there is not some one chosen excelling in learning and experience, whom they call the superintendent of the Church; he convocates all the rest, he admonisheth them, he governs them according to the Word of God, as the state of things requires[i].” The second reason is, that I see it lately published to the world in print[k], that Dr. Whitaker, Dr. Fulke, and Dr. Reynolds, were all oppugners of Episcopacy. Perhaps of Popish Episcopacy; that is, the abuse, not the thing; or of an absolute necessity by Divine right of such and such an Episcopacy, endowed with such or such degrees of power or pre-eminence; or of such an Episcopacy as is held to differ from presbyterate in the very power of order: but surely not of Episcopacy itself. I wondered at the impudence of the man. It is a bad cause which stands in need to be underpropped with such pious impious frauds, and is only fortified with hideous and palpable lies. If he fable in this, let him have the just reward of a liar,—not to be trusted
597 in other matters. And first for Dr. Whitaker;—Bellarmine objects against the Protestants, that they take away Bishops; he answers, “*Neque nos totum Episcoporum ordinem damnamus, ut ille falso calumniatur, sed pseudo-Episcopos tantum Pontificios*”—“We do not condemn all the order of Bishops, as he” (that is Bellarmine, we may say the Prefacer) “falsely slanders us, but only those false Bishops of the Church of Rome[l].” And about the same place, speaking of that ancient constitution, that three Bishops should be present at the

[Not oppugned by Whitaker, Fulke, or Reynolds.]

[h] De Regno Christi, lib. ii. c. 12. [See also Durell, Vindic. Eccl., Angl. c. xxxiv. p. 511.]

[i] Resp. ad Gardin. ad 50. Object. [Scil. Defens. Doctr. Veteris et Apostol. de Sacrosancto Euchar. Sacram., adv. Steph. Gardin. quondam Vinton. Episcopi Librum, Pars I. ad Object. 50. p. 153. fol. 1562.]

[k] Preface to Mr. Bain. [viz. by Mr. Ames, prefixed to the new edition in 1644, “by authority,” of “The Diocesan's Tryall, wherein the manie Controversies about the Forme or Government of the Churches of Christ are judiciously stated,” &c., “written long since by that famous and learned divine Mr. Paul Bayne.”—Pref. p. 1. See on the other side Bancroft, Surv., c. xxx. pp. 389—395.]

[l] De Eccles., Controv. II. Qu. v. c. [7, Op. tom. i. p. 515, b. Genev. 1610.]

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ordination of a Bishop, he affirms, that "it was a good and a godly sanction," and fit for "those good times[m]." Dr. Fulke expresseth himself home;—"That among the clergy, for order and seemly government, there was always one principal to whom the name of Bishop or Superintendent hath been applied, by long use of the Church; which room Titus exercised in Crete, Timothy in Ephesus, others in other places: that though a Bishop and an Elder is of one order and authority in preaching the Word and administering the Sacraments, yet in government, by ancient use of speech, he is only called a Bishop, who in Scripture is called 'προιστάμενος,' 'προεστὼς,' 'ἡγούμενος,' (Rom. xii. 8.—1 Tim. v. 17. —Heb. xiii. 17.), that is, the chief in government, to whom the ordination or consecration by imposition of hands was always principally committed[n]." So, according to Dr. Fulke the name is from man but the office from God. I beseech thee, reader, view the three places cited by him at leisure, and thou shalt see who are the rulers and governors and ruling elders mentioned in Holy Scriptures, in the judgment of Dr. Fulke. Lastly, Dr. Reynolds is of the same mind;—that "the elders ordained by the Apostles" did "choose one among them to be president of their company and moderator of their actions; as, of the Church of Ephesus, though it had sundry elders and pastors to guide it, yet among these sundry was there one chief, whom our Saviour calleth 'the Angel of the Church,'" &c.; "and this is he whom afterwards in the Primitive Church the Fathers called Bishop," &c.[o] So that by Dr. Reynolds, though not for the name yet for the thing, Episcopacy was in the Church, even when St. John writ the Revelation, and was approved by our Blessed Saviour from Heaven.

["He that *ruleth*"—"the elders that *rule*"—he "that *has the rule*."]

Fifthly, in a difference of ways, every pious and peaceable Christian, out of his discretion and care of his own salvation,

[v. The safest way, since Episcopal orders (only) are allowed by all.]

[m] [Ibid., c. 6. p. 510. a. Whitaker denies the *Divine* right of Episcopacy but calls it "*ordo humanus*," ibid. p. 510. b.]

[n] Upon Titus, c. i. [v. c.—in his Answer to the Rheims Testament.]

[o] Reynold. ad Hart., [Confer.] p. 535. [c. iii. divis. 3. pp. 461, 462. ed. 1609. See Abp. Ussher's tract, entitled, The Judgement of Dr. Rainoldes touching the originall of Episcopacy more largely confirmed out of Antiquity, published first London 4to. 1641. Reynolds' letter to Sir F. Knollys, written Sept. 19. 1598, with reference to Bancroft's Sermon at St. Paul's Cross, and denying the *Divine* right of Bishops, was republished in 1641 by the Parliamentarian party.]

will inquire which is '*via tutissima*'—'the safest way.' Now the separatists themselves (such as have either wisdom or learning) do acknowledge that holy orders are truly (that is, validly) given by the ordination used in our Church (I mean not such as either hold no outward calling to be needful, as the Anabaptists, or make the Church a mere democracy, as the Independents); but, on the other side, a very great part of the Christian world, and among them many Protestants, do allow no ordination to be right but from Bishops. And even St. Jerome, who of all the Fathers makes the least difference between a Bishop and a presbyter, yet saith, "What can a Bishop do, which a presbyter doth not, except ordination[p]?" And seeing there is required to the essence of a Church, first, a pastor, secondly, a flock, thirdly, a subordination of this flock to this pastor; where we are not sure that there is right ordination, what assurance have we that there is a Church? I write not this to prejudge our neighbour Churches. I dare not limit the extraordinary operation of God's Spirit, where ordinary means are wanting, without the default of the persons. He gave His people manna for food whilst they were in the wilderness. [Exod. xvii.] Necessity is a strong plea. Many Protestant Churches lived under kings and Bishops of another communion; others had particular reasons why they could not continue or introduce Bishops: but it is not so with us. It was as wisely as charitably said of St. Cyprian,—"If any of my predecessors through ignorance or simplicity have not holden that which our Lord hath taught, the mercy of the Lord might pardon them[q]," &c. So, if any Churches, through necessity, or ignorance, or newfangledness, or covetousness, or practice of some persons, have swerved from the Apostolical rule, or primitive institution, "the Lord may pardon them," or supply the defect of man; but we must not therefore presume. It is charity to think well of our neighbours, and good divinity to look well to ourselves. But the chief reason is, because I do not

[p] [Epist. ci., ad Evangel.; Op. tom. iv. P. ii. p. 803.]

[q] ["Et viderit, . . si quis de antecessoribus nostris vel ignoranter vel simpliciter non hoc observavit et tenuit quod nos Dominus facere exemplo et magisterio suo docuit, potest simplicitati ejus de indulgentiâ Domini venia concedi; nobis vero non poterit ignosci, qui nunc a Domino admoniti et instructi sumus." Ep. lxiii, Ad Cæcil., p. 156. The point in question was the use of wine in the Eucharist.]

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make this way to be simply necessary, but only shew what is safest, where so many Christians are of another mind. I know, that there is great difference between a valid and a regular ordination; and what some choice divines do write of case of necessity; and for my part am apt to believe, that 598
God looks upon His people in mercy, with all their prejudices; and that there is a great latitude left to particular Churches, in the constitution of their ecclesiastical regiment, according to the exigence of time and place and persons, so as order and His own institution be observed.

[vi. Its blessings.]

Sixthly, those blessings which the English nation have received from that order, do deserve an acknowledgment. By them the Gospel was first planted in the most parts of England; by their doctrine and blood religion was reformed and restored to us; by the learned writings of them and their successors it hath been principally defended; Cranmer, Ridley, Latimer, Hooper, were all Bishops; Coverdale exercised Episcopal jurisdiction. With what indignation do all good Protestants see those blessed men styled now in print by a young novice, "halting and time-serving prelates," and "common stales to countenance with their prostituted gravities every politic fetch[s]." It was truly said by Seneca, that "the most contemptible persons ever have the loosest tongues[t]." The Observer confesseth that Magna Charta was "penned by Bishops[u]" (no ill service). Morton a Bishop of Ely was the contriver and procurer of the union of the two roses[x] (a great blessing to this nation). Bishop Fox was the instrument employed to negotiate and effect the union of the two kingdoms[y]. In former distractions of this state, Bishops have been composers and peace-makers, according to their office. Now they are contemned; and in their rooms, such persons are graced, whose tongues are like that

[s] Two Books of Reformation. [Scil. Of Ref. touching Church Discipline in England, and the Causes that hitherto have hindred it; Two bookes written to a friend; bk. i. p. 10. published in 1641 without a name. The "young novice" was no other than John Milton.]

[t] ["Ut quisque contemptissimus et ut maxime ludibrio est, ita solutissimæ linguæ est." De Constant. Sapientis c. xi, Op. p. 712. Lutet. 1607.]

[u] [Observations &c., p. 4.]

[x] [By the marriage of Henry VII. and Elizabeth the eldest daughter of Edward IV., in 1486. Speed, Chron., bk. ix. c. 19. § 23;—De Antiq. Brit. Eccl., p. 297. ed. 1605.]

[y] [By the marriage of James IV. of Scotland and Margaret eldest daughter of Henry VII. consummated in 1501-2. Speed, ibid. c. 20. § 64;—Bacon's Hen. VII. pp. 191, 208;—Biogr. Brit. in Vitâ Rich. Foxe.]

"cursed bay-tree[z]" which caused brawling and contention wheresoever it came. England owes many of her churches, colleges, hospitals, and other monuments of piety and charity, to Bishops. It requires good advice, before we expel that order which of infidels made us Christians, and that the reasons should appear to the world. An act of any society, how eminent soever, wherein are none of the clergy, may sooner produce submission than satisfaction to the conscience.

[vii. Evils of other forms of Church government.]

Seventhly, we have had long experience of Episcopal government. If it have been accidentally subject to some abuses, I desire to know what government in the world is free from abuses. Yet late and dear experience hath taught us, that much of that rigour which we complained of, was in some sort necessary. If the Independents should prevail, who are now so busy breaking down the walls of the Church, to bring in the Trojan horse of their democracy, or rather anarchy, do but imagine what a confused mixture of religions we should have. Afric never produced such store of diversified monsters. But to pass by them as unworthy of our stay, and to insist only in that form of Church regiment, which of all new forms is most received. I intend not accidental abuses, which from ignorant and unexperienced governors must needs be many; but some of those many grievances which flow essentially from the doctrine itself. First, for one High Commission we shall have a presbytery or young High-Commission in every parish. Our Bishops are bound to proceed according to law: but this new government is merely arbitrary, bounded by no law but their own consciences. If the Bishops did us wrong, we had our remedy by way of appeal or prohibition; but they admit no appeal, except to a synod, which in a short session cannot hear the twentieth part of just grievances. Our law allows not a judge to ride a circuit in his own country, lest kindred or hatred or favour might draw him to injustice; what may we then expect from so many domestical judges, whose affections are so much stronger than their reasons, but siding and partiality? Yet they blush not to tell us, that "this is the tribunal of Christ;" Christ hath but one tribunal, in

[z] [Plin., Nat. Hist., xvi. 89.]

PART II. [John xviii. 36.] Heaven,—His "kingdom is not of this world:"—that "these are laws of Christ;" the laws of Christ are immutable, they alter theirs every synod:—that their "sentence is the sentence of Christ;" alas, there is too much faction and passion and ignorance[a]. Heretofore we accused the Pope, for saying that he had one consistory with Christ; do we now go about to set up petty Popes in every parish? And are they also become infallible in their consistories, at least in their conclusion, not only in matters of faith, but also of fact[b]?

These are general grievances. In particular:—his Majesty shall lose his supremacy in causes ecclesiastical, his patronages, his first-fruits, his tenths, (and worse than all these) the dependence of his subjects; he shall be subjected to excommunication, by which engine the Popes advanced themselves above emperors[c]. The nobility and gentry shall be subjected to the censures of a raw rude Cato, and a few artificers. 599
They shall lose their advowsons (the people must elect their own ministers); they shall hazard their impropriations[c]. The two eyes of the kingdom, the Universities, shall be put out. [Exod. v. 7, 8.] The clergy shall have their straw taken away, and the number of their bricks doubled[c]. The people shall groan under the decrees of a multitude of ignorant unexperienced governors, be divided into factions about the choice of their pastors, be subject to censure in sundry courts for the same offence, be burdened with lay-elders, who if they please may expect according to the Apostolical institution (upon their grounds) double honour, that is, maintenance. If there arise a private jar between the parent and the child, the husband and the wife, they must know it and censure it.

"Scire volunt secreta domus, atque inde timeri[d]."

All men must undergo the danger of contrary commands, from co-ordinate judges; than which nothing can be more pernicious to the consciences or estates of men[e].

"*Nulla hic arcana revelo*[f]."—These are a part of the fruits of their most received government, who oppose Bishops. If

[a] [See above Fair Warning, cc. viii. xii. pp. 269, 281. Disc. i. Pt. ii.]
[b] [See above in Just Vindic., c. viii. vol. i. p. 256. Disc. ii. Pt. i.]
[c] [See above in Fair Warning, cc. v. vi. xii. pp. 259, 261, 279, 280.]
[d] [Juv., iii. 113.]
[e] [See Fair Warning, c. xii. p. 281.]
[f] [Mantuan., De Calamit. Tempor., 101.]

they do not all shew themselves in all places, remember the Observer's caution,—"They wanted power[g]" to introduce them as yet. As some plants thrive best in the shade, so, if this form of regiment shall agree best with the constitution of some lesser commonwealths, much good may it do them; so they will let us enjoy the like favour;—

"—— Petimus damusque vicissim[h]."

[viii. Arguments from Scripture against it mere mistakes.]

Eighthly, those arguments which they urge out of Scripture against Episcopacy, are mere mistakes, confounding the power of superiority itself with the vicious affectation or tyrannical abuse of it; and are none of them to the purpose. As those two texts, that are most hotly urged,—"The kings of the Gentiles exercise dominion over them, . . but ye shall not be so,"—and that of St. Peter,—"Neither as being lords over God's heritage, but being ensamples to the flock,"—do admit as many answers almost as there are words in each of them. But they are not needful; for no man that ever I read of, did say, that Bishops had any such despotical or lordly dominion annexed to their office, but only a fatherly power; and if these places be to be understood in that sense which they would have them, they do as much overthrow all their new presidents and moderators and visitors, and their whole presbytery, as they would have them to do Episcopacy. Neither Christ nor St. Peter did ever distinguish between temporary and perpetual governors, between the regiment of a single person and a society or corporation. They like not the name of Lord, but that of Master they love dearly; yet that is forbidden as much as the other,—"Neither be ye called Master, for one is your Master, even Christ." And whilst they reject the government of a president or chief pastor, yet they style their own new devised elders, "ruling elders," and understand them still in the Scripture by name of "governors."

Luke xxii. 25, [26.]

1 Peter v. 3.

[Mat. xxiii. 10.]

[ix. It has the support of the majority of Protestant Churches.]

Ninthly,—waving all these and all other advantages of Scriptures, Fathers, Councils, histories, Schoolmen,—because it is alleged, that all other Protestant Churches are against Episcopacy, I am contented to join the issue, whether Bishops or no Bishops have the major number of Protestant votes.

[g] [See above p. 349. note s.]

[h] [Horat., A. P., 11.]

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good Greek names into bad Latin names) they call superintendents, and general superintendents; where neither the good Greek names nor bad Latin names take place, yet there also there use to be some principal persons, in whose hands almost all the authority doth rest[j]." Neither is their practice disagreeing from their doctrine. To begin with those who first were honoured with the name of Protestants, who subscribed the Augustan Confession, among whom were two dukes of Saxony, two dukes of Luneburg, the marquess of Brandenburg, the prince of Anhalt, and many other princes, republics, and divines; thus they,—"*Facile possent Episcopi legitimam obedientiam retinere,*" &c.—"Bishops might easily retain lawful obedience, if they did not urge us to keep traditions, which with a good conscience cannot be kept;"—again,—"*Nunc non id agitur,*" &c.—"It is not now sought, that the government be taken away from Bishops, but this one thing is desired, that they will suffer the Gospel to be purely taught, and release some few observances, which cannot be kept without sin[k]." This general Confession may stand for a thousand witnesses, under which all the Protestants in Germany did shelter themselves. To this I may add the Apology for the same Confession;—"*Hac de re in hoc conventu,*" &c.—"We have often testified of this matter in this meeting, that we desire with all our hearts to conserve the ecclesiastical policy, and the degrees made in the Church

[i] [See Seckendorf, Hist. Lutheranism., lib. i. § cxlix. addit. 2,—ii. § xxxvi. num. 28,—lib. iii. § lxxv. num. 11, § cix. num. 7; and Durell, Vindic. Eccles. Anglic., c. xxxiv. pp. 506-509.]

[j] [De Relig. Christ., Observat. in c. xxv. § 10, 11; Op. tom. vii. p. 583. ed. 1605.]

[k] [Conf. Aug.,] cap. vii., De Potest. Eccles. [in fin.]

by human authority;"—again,—"This our will shall excuse us both before God and all the world, that it may not be imputed to us, that the authority of Bishops was weakened by our means[l]." The Confession of Saxony is subscribed by seventeen Superintendents or Bishops[m]. The Suevic Confession is "so far from opposing the spiritual power" of "the prelates," that they do not "exclude them from secular government;" and complaineth of "great wrong done" to their Churches, "as if they did seek to reduce the power of ecclesiastical prelates to nothing[n];" and most plainly they declare for the ecclesiastical jurisdiction of Bishops, in the twenty-third chapter, "Of the Secular Magistrate[o]." I might produce the Articles of the Protestants, and more Confessions, and many witnesses to this purpose, if it were needful.

But perhaps some say, that these are all Lutherans, and no good Protestants. That were strange indeed, that they who made the protestation, and from thence were called Protestants, keeping themselves to the same grounds, should become no Protestants; and they who made no protestation, nor have right to the name but by communion with them, should become the only Protestants. But to satisfy them in this also.

Upon the words of the Augustan Confession, before recited, the Observations set forth in the name of the French and Belgic Churches, at the latter end of the Harmony of Confessions, do divide "Bishops" into "three kinds;" [Episcopi] 1. "Apostolical, of order not of degree, common to all the ministers of the Word;" 2. "Human," both "of order" and "of degree," which they confess to be "ancient, and defined, and circumscribed with many old canons;" 3. "Tyrannical," in the Church of Rome, "wandering not only without the Word of God," but also "*extra canones æquissimos*"—"without those most equal or just canons;" which last they

[l] Cap. de Num. et Usu Sacram. [Apol. Conf. Aug. Prima Delineatio, Cap. de Potest. Eccles., ap. Chytræum, Hist. Aug. Confess., p. 365.—"Cæterum jam testati sumus," &c. . . and again, "Non detrectamus autoritatem Episcoporum, modo non cogant facere contra mandatum Dei. Hæc voluntas liberabit nos coram Deo et judicio universæ posteritatis, ne judicemur rei hujus schismatis."]

[m] Harm. Confess., sect. xix. p. 290. [ed. Genev. 1581.]

[n] Harm. Confess., sect. xi. p. 65. [in art. xiii. Conf. Suev., De Offic. Dignit. et Potest. Ecclesiast.]

[o] [Ibid., sect. xix. p. 293.]

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"abominate[p];" but of this more in the next consideration. They say further, that "it is the office of godly magistrates, to see how far it may be expedient for Bishops to have some kind of civil dominion[q]." And upon the Saxonic Confession they acknowledge, that "Bishops" may "make laws belonging to order and decency, . . so it be not done arbitrarily, but by the judgment of a lawful Synod[r]." And what do we say more? You have also seen the Confession of the Church of England, directly for Episcopacy, which nevertheless was so approved and applauded by the Tigurine divines, that "they made no end of praising of it, that they judged nothing to have been published more perfect in those days," that "they promise themselves that the Protestant Church shall never want a champion, so long as the author thereof did live[s]:" yet it was both for Bishops, and by a Bishop. Calvin was no Lutheran, yet he subscribed the Augustan Confession, or the Apology for it, or both[t]. And in his Institutions[u], he describeth at large the regiment of the Primitive Church, after the days of the Apostles; that "though the Bishops of those times . . expressed more in their canons than was expressed in the Word of God, yet they composed the whole economy of the Church with that caution, that it may easily appear that it had almost nothing strange from the Word of God[u];" that "in each city the presbyters did choose one of their number, to whom they gave the title of Bishop specially, lest dissension might spring 601
from equality, as commonly it comes to pass[v]." He shews out of St. Jerome, that this institution was as ancient "in Alexandria as from St. Mark[x]." He proceeds to shew the end of Archbishops, and the constitution of Patriarchs; and concludes, that "this kind of government some called an Hier-

[p] [Observ. Breviss. in Totam Superiorem Harm., in Sect. xvii.] Obs. i. [Compare Beza, Resp. ad Sarav., p. 177; his letter to Whitgift in 1593, in the Append. to Strype's Whitgift, num. xvii. bis; and his celebrated tract De Triplici Episcopatu, sent in 1580 in answer to questions proposed to him by Lord Chancellor Glamis of Scotland,—see Bancr., Surv., c. viii. pp. 129, 130,—Strype, Annals, ii. 629 (fol. ed.),—M'Crie, Life of Melville, vol. i. p. 199. c. iv. and p. 463. note X.]

[q] [Ibid.,] Obs. iii.

[r] [Ibid., et in eâd. sect.,] Obs. i.

[s] Pet. Mart., Ep. ad Jewellum, [Aug. 24, 1562; quoted in Strype, Annals, I. 287 (fol. edit.), from the Epist. Theol. p. 804. A translation of the letter is in the Append. to the Zurich Letters, ed. Parker Soc., pp. 339, 340.]

[t] [See above in the Answer to La Milletiére, Pt. i. Disc. i., in vol. i. p. 38. note k.]

[u] [Instit.,] lib. iv. c. 4. sect. 1. [Op. tom. ix. pp. 285. b, 286. a, ed. Amst.]

[v] [Ibid., sect.] 2. [Ibid., p. 286. a.]

[x] [Ibid.]

archy, by a name improper, at least not used in the Scriptures; . . but if we pass by the name, and look upon the thing itself, we shall find that the ancient Bishops did go about to devise no other form of governing the Church, than that which God hath prescribed in His Word[y]." There might be sundry other places alleged out of his Epistles[z], and other his less occasional pieces: whereof one I cannot omit, at present to be found in that very platform of Reformation which he presented to the Emperor, Princes, and States, assembled at Spires:—"*Talem nobis hierarchiam,*" &c.—"If they produce us such an hierarchy, in which the Bishops are so above others, that they do not refuse to be under Christ, that they depend on Him as their only Head, and live to Him; in which they so maintain brotherly fellowship, that they are bound together by no other knot, than that of His truth; then must I confess, that there is no anathema which they are not worthy of, if there be any such, who observe it not with the greatest obedience[a]." Zanchy delivers the very same grounds; and adds, that "nothing is more certain than

[y] [Ibid., sectt.] 3, 4. [ibid., p. 286. a, b.]

[z] [In the original edition of 1643 this and the succeeding sentences stand as follows;—"his Epistle(s) and his Answer to Sadolet to the same purpose; but I omit them, only with this note, that one of the most conspicuous places in his Epistle to Sadolet, '*Talem nobis hierarchiam,*' &c. (against those that shall reject Episcopacy, being reduced to its due subjection to Christ, and society with their brethren), is purged out in the two latter editions of Beza and Gallasius; to let us see, that the Romanists are not the only men who cut out the tongues of their own witnesses. Zanchy delivers" &c. &c.—Calvin's Answer to Cardinal Sadolet was printed at Strasburg in 1539 and 1541 (Gesner, Biblioth.), and among Calvin's Tractatus Theologici by Beza at Geneva (fol. 1597), and among his Opuscula by Gallasius at the same place (Bayle). The passage above quoted is really from the tract upon the Reform. of the Church, as cited in the next note: and Bramhall has been led into the error, upon which he has grounded his charge of false dealing against Beza and Gallasius, by Bancroft, Dang. Posit., bk. i. c. 2. p. 8. (and repeatedly elsewhere). The text as above given is that of the folio edition, and appears to be due to Dr. Vesey, as Bramhall was not in the habit of verifying quotations once made, and certainly had not discovered his error in 1658; see below in the Vindication of Grotius and Episcopal Clergy, c. iv. Disc. iii. Pt. ii., p. 534. note d.]

[a] De Necessit. Reform. Eccl. [Op. tom. viii. p. 60. a, b.—Calvin's "opinion of Episcopacy is especially manifest from a letter he and Bullinger and others, learned men of that sort, wrote anno 1549 to King Edward VI., offering to make him their defender, and to have Bishops in their Churches for better unity and concord among them;" but "two Bishops, Gardiner and Bonner, intercepted" the letter, "whereby Mr. Calvin's overture perished, and he received an answer as though it had been from the Reformed divines of those times, wherein they checked him and slighted his proposals." Strype, Parker, bk. ii. c. 2 (and see also his Cranmer, bk. ii. c. 15. in fin.); from a memorandum of Abp. Parker, found among his MSS. by Abp. Abbot, and preserved among Abp. Ussher's papers, whence Strype took it. See also, for Calvin's opinions about Episcopacy, the Replic. to the Bp. of Chalced., c. i. sect. i. Disc. iii. Pt. i. in vol. ii. p. 63.]

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this, that Episcopacy was received into the Church *communi consensu totius reipublicæ Christianæ*"—"with the common consent of the whole Christian commonwealth;" that "it was free for them to do so;" that "it was done for honest and just causes;" that "it cannot be misliked;" that "those things which are defined and received by the godly Fathers, congregated in the name of the Lord, by the common consent of all, without any contradiction to the Holy Scriptures, though they be not of the same authority with the Scriptures, yet they are from the Holy Ghost; *quæ hujusmodi sunt, ea ego improbare nec velim nec audeam bonâ conscientiâ*"—"such as he had neither will nor confidence nor conscience to disallow[b]." Which very place being urged by Saravia against Beza, he closeth with it;—"*A quo minime certe dissentimus, cum Episcopatum illum mere Divinum et Apostolicum ab humano, . . non quasi sint illa inter se repugnantia sed tantum ut diversa et imparis auctoritatis discernimus*[c]"—"From which opinion of Zanchy we do not dissent, nor distinguish that Apostolical and merely Divine Episcopacy from this other which is human, as if they were repugnant one to another, but only diverse and of unequal authority." The same book is full of such places:—"*Quod si nunc Ecclesiæ Anglicanæ instauratæ,*" &c.—"If the English Reformed Churches do now stand underpropped with the authority of Bishops and Archbishops, as it hath come to pass in our memories that they have had men of that order not only notable Martyrs but most excellent pastors and doctors, let them enjoy that singular blessing, which I pray God may be perpetual to them[d]:"—and elsewhere, speaking of "human Episcopacy" (as he is pleased to call it), he adds,—"*Quo sane fruantur,*" &c.—"Which let them enjoy who persuade themselves that the right use of it may be observed by them[e]:"—and again,—"*Absit ut hunc ordinem,*" &c.—"Far be it from me to reprehend this order as rashly or proudly erected, though it be not a Divine or merely Apostolical constitution; whereof rather no man can deny that there may be great

[b] De Relig. Christ., c. xxv. sectt. 10, 11, et Observat. in eundem locum; [Op. tom. viii. pp. 545, 579. ed. 1605.—Zanchy was Prof. of Divin. at Strasburg and Heidelberg, and died in 1590.]

[c] Resp. [ad Sarav., De Divers. Ministr. Grad.], p. 161. [Genev. 1592.]

[d] [Ibid.,] p. 111.

[e] [Ibid. p. 177.]

use, as long as good and holy Bishops are over the Church; let them enjoy it therefore that will and can[f]" (this "*et poterunt*"—"and can," was well put in; it was not the unlawfulness of the order, but the inconsistency with the present state of Geneva, which excluded it thence):—and having spoken of the Apostolical canon, and the superiority of the Archbishop above his fellow-Bishops, he concludes,—"*Quid aliud hic statuitur*," &c.—"What else is here decreed, but that order which we desire to be restored in all Churches[g]?"

It appears then plainly, by the Confessions of Protestant Churches, by the testimonies of the most learned divines, yea, even of those that lived under another government, that if Bishops be not necessary, yet at the least they are lawful[h]. It appears, that three parts of four of the Protestant Churches have either Bishops, or superintendents, which is all one; and that those Churches which have neither, yet they have some "principal men"—"*primarios*[i]," which have as much power as Bishops '*viis et modis*.' But if we should be contented to leave three parts of Protestants to join with the fourth, shall we find them unanimous in this? No such thing. The Helvetian and other Churches ascribe the government of the Church to the magistrate, and allow no lay-elders; but Geneva and her daughters, to their Presbyteries; yet neither the mother is like the daughters, nor the daughters very like one
602 another; as hath been shewed in part before in this treatise[k]. And the Independents are for neither of these ways. And all learned men do acknowledge our English Episcopacy to be lawful; yea, even the present president and pastors of Geneva do the same[l]. So, if we desire consent either of

[f] [Ibid.,] p. 144.

[g] [Ibid.,] p. 116.

[h] [See upon this subject, Bancroft, Survey, c. viii. pp. 104—136;—Bp. Hall, Episcopacy by Divine Right Asserted, 4to. 1640; and Humble Remonstrance to Parliament, pp. 32, 33. 4to. 1640;—Peter du Moulin the younger, Letter of a French Protestant to a Scottishman of the Covenant, wherein one of their chief pretences is removed, which is their Conformitie with the French Churches in points of Discipline and Doctrine, pp. 6—21. Lond. 4to. 1641. anonymous;—another anonymous tract, attributed to Abp. Ussher, but really written by Bp. Morton (see above p. 36. note d), entitled, Confessions and Proofes of Protestant Divines of Reformed Churches, that Episcopacy is in respect of the office according to the Word of God, and in respect of the use the best. 4to. Oxf. 1644;—and Durell, Vindication of the Government and Public Worship of God in the Reformed Churches beyond the Seas, pp. 7—12, 117—173. Lond. 4to. 1662; and Vindic. Eccl. Angl., cc. xxxiii, xxxiv.]

[i] [Zanch., as quoted above p. 480. note j.]

[k] [Above p. 467.]

[l] [See the Dubia Evangelica (P. iii., Dedic. Epistle to Abp. Ussher and

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Protestants in particular or of Christians in general, yea, of the whole Catholic Symbolical Church, it is best for us to keep us where we are.

[x Its greatest impugners substantially defend it.]

My tenth and last consideration riseth higher;—that according to their grounds, who have been the greatest oppugners of Episcopacy, the government of our English Bishops is not only lawful but for the most part necessary, nor only necessary but even an Apostolical and Divine institution. This seeming paradox is yet most certain, and their opposition hath been but beating the air. For the clearer manifestation whereof, we must know:—

First, that the greatest impugners of Episcopacy do not seek to bring such a parity into the Church, but that "by the ordinance of God and dictate of nature, one presbyter ought to be president above the rest;"—"*Ex Dei ordinatione perpetuâ, necesse fuit, est, et erit, ut in presbyterio quispiam et loco et dignitate primus actioni gubernandæ præsit, cum eo quod ipsi Divinitus attributum est jure*"—"It was, it is, it ever shall be necessary, by the perpetual ordinance of God, that some one in the presbytery as chief both in place and dignity be set over the action to govern it[m]." He saith, that even then, whilst the appellation of Bishops and presbyters was common, yet the presbytery had "*suum aliquem primum et προεστώτα presbyterum*"—"some one to be their ruling or presidential presbyter[n]." He saith, "St. Jerome did not so dote as to dream that no one of the presbytery was set over the whole company in the Apostolic times[o];" and takes it as a great "injury," that any man should "think" that they "did go about to abolish *omnem unius Episcopen in vel supra cæteros compresbyteros*"—"all superspection or superintendency of one above his compresbyters[o]." To the same purpose saith Calvin;—"It is no marvel that the twelve Apostles had one

others, p. 8. 4to. Genev. 1639) of Fred. Spanheim the elder, Prof. of Theol. and Pastor at Geneva from 1631 to 1642 (Bayle); and the opinion of Deodate (which he expressed more publicly afterwards, in 1647, in his Letter to the Westminster Assembly—in Parr's Life and Letters of Abp. Ussher, Append. pp. 15—17. Lond. fol. 1685) in the Answ. to La Millet., above vol. i. p. 39. note i. Disc. i. Pt. i. And compare the Præscript. Theolog. (lib. ii. nota 2. p. 234. 8vo. Genev. 1607, and compare p. 214. Affirm. ii.) of Jacobus Lectius, a Genevan civilian, affirming the English Bishops to be "*veri et legitimi Episcopi.*"]

[m] Bezæ Defens., [scil. Respons. ad Sarav.,] p. 153.

[n] [Ibid.,] p. 140.

[o] [Ibid.,] p. 160. [Scil. "cum diceret" (Hieron.) "Ecclesias initio fuisse communi presbyterorum consilio subernatas."]

among them to govern the rest; this we have from nature, the disposition of men requires it, that in every company, though they be equal in power, yet one should be as moderator[p]."

Secondly, they teach (notwithstanding their drowsy, groundless, new-hatched conceit, that this presidency went "successively by turns" among the presbyters[q]), that either in the days of the Apostles, or immediately from them, this "*Episcope*" or office of superintendency became elective and perpetual to one man, "*quod certe reprehendi nec potest nec debet*"—"which certainly neither can nor ought to be blamed;"—"especially seeing this ancient custom was observed in the famous Church of Alexandria *jam inde a Marco Evangelista*"—"even from St. Mark the Evangelist[r]." So as the office is of Divine institution, the form of application only is human; yet not merely human neither,—"*Humanum non simpliciter tamen, sed comparate, nullâ cum Patrum et tot Ecclesiarum injuriâ appellavero*"—"I may call it human, not simply but comparatively, without injury to the Fathers or so many Churches[s]:" indeed all the Churches in the world, and all the Fathers that ever were.

Thirdly, this presidency of order, which they give to one man, even upon their own grounds is not destitute of all kind of command and power. He hath "*jus regendæ communis actionis*[t]"—"a right to moderate the action" of the college or "to govern the common action;" and that "*certis legibus*[u]"—"according to certain laws." First, "a right to moderate the action;" that is, to convocate the presbyters, to appoint the time and place, to propose matters, to collect the suffrages either by himself or by such as he appoints, to pronounce sentence. Secondly, "*certis legibus*"—"according to certain laws;" this brings us to the true question, 'where the water sticks;' the law of God and the lawful constitutions of the Church must be the just measure and limits of this president's commands, of his compresbyters' obedience; so that tyrannical absolute arbitrary power, which is usurped by the

[p] [Calv.,] Inst., lib. iv. c. vi. sect. 8. [Op. tom. ix. p. 296. b.]

[q] Bezæ Defens., p. 141.

[r] [Ibid.,] p. 143.

[s] [Ibid.,] p. 142.

[t] [Ibid.,] p. 114.

[u] [Ibid.,] p. 87. [See also p. 189. "Sic ut" (peccantibus) "parata sit optime et certissima ex legibus eâ de re positis animadversio."]

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Bishop of Rome and his instruments, is rejected by all parties on the one side, and all anarchy, ataxy, and disorder, on the other side: yet this is not all.

Fourthly, this president hath another power by Divine right, or at least by Divine right is capable of another power; that is, not only "to moderate" the whole action by his authority, but also "to execute that which is decreed by common consent[v]." Neither can this executive power in reason be limited to the mere execution of personal decrees, concerning particular persons; but every where it extends itself to preparatory actions and matters of form. Neither doth it rest here but admits, or at least may admit, a greater latitude 603
even to the execution of laws: especially where the law is clear, the act notorious or evidently proved; where succession and the public are not concerned; where the presence of the whole college is not so useful or convenient, and might rather encumber than expedite the business; and all this more or less according to their "certain laws," the several constitutions of several Churches; always reserving to the whole body of the clergy, or those who by election or prescription do represent them, the power of making and altering laws and canons ecclesiastical, and to his Majesty his royal power of assenting and confirming, and to the representative body of the kingdom their power of receiving, principally in cases of moment: and likewise reserving to the clergy, either rural or cathedral, according to their distinct capacities, their respective power of counselling, consenting, or concurring, according to the constitutions of the Church and laws and customs of the realm; which, as they are grounded upon natural reason and equity, so they are no way repugnant to the law of God; whereof there are yet some footsteps to be seen in our ordinations, our Deans and Chapters, our semestrial synods[x], &c. And if these old neglected observations were a little quickened and reduced to their primogenious temper and constitution, perhaps it might remedy sundry inconveniences, and add a greater degree of moderation and authority to the government of the Church. Who can be so

[v] Calv., Inst., lib. iv. c. iv. sect. 2. [Op. tom. ix. p. 286. a.]

[x] [Diocesan synods twice a year were in use until Henry the Eighth's time. See authorities in Wake's State of the Church, c. i. pp. 23, 24. fol. Lond. 1703.]

stupid as to imagine, that the state and Church and people of Geneva, at this day, do not or may not give to the president of their ecclesiastical senate a perpetuity of government for his life; or enable him to execute some ecclesiastical laws, so far as they shall see it to be expedient for the good of that Church and commonwealth; without swerving from the institution of Christ? This might yet further be made plain by those comparisons and representations which Calvin[y] and Beza[z] do bring of this Episcopal or presidentiary power; of a consul in the senate, of a prætor in the court, of a provost in a college, of a steward in a family: they ought to look upon him as their superior and governor, and he upon them as brethren and fellow-elders. This is that which our English Bishops claim; whereunto they are entitled by the fundamental laws of the land. How far the power of the keys, of ordination or jurisdiction, is appropriated or committed to them singly or jointly by Divine ordinance (of which subject great authors upon great reasons have declared themselves[a]); yet, in our case, it is not so questionable, where another lawful right is certain: and this clear satisfaction of conscience they want, who are so busy seeking after new devised forms of ecclesiastical regiment. And herein I may as justly admire the excellent temper of our Church government, as the Observer doth of the civil. I hope it is not in either of us, "*ut pueri Junonis avem*"—"as boys praise the peacock[b]," with a desire to pluck his feathers. The clergy present, the Bishops approve, his Majesty confirms, the Parliament receives; all parties have their concurrence, so as no man can be prejudiced without his own act. If we alter this frame, we shall have a better in Heaven; I fear, not upon earth.

So then we see, that upon these very grounds, which have been laid by the greatest opposers of Bishops in this age, 1. there is a subordination of many pastors to one president by Divine ordinance, 2. this presidency or superintendency or Episcopacy (all is one) may without violation of Divine ordinance be settled upon one man for his life, 3. this person, so qualified, hath a power essentially belonging to his place, to

[y] [Instit., lib. iv. c. vi. § 8; Op. tom. ix. p. 296. b.]

[z] [Respons. ad Sarav., p. 87.]

[a] [Apparently the text should run thus—"declared themselves *of different opinions*;" or something of the kind.]

[b] [Juv., vii. 32.]

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rule and moderate the public meetings and actions of the Church, yea, to execute the decrees of the whole college, 4. this executive power may receive a further latitude or extent from the positive laws of men[c]. What is the result of all this; but that, as [the] presbyterate, or the office of a priest, presbyter, or minister (I shall wrangle with no man about a name, whilst we agree upon the thing), is of Divine institution, yet nevertheless there is something human annexed to it; as, for instance, the assignation of a single pastor to a particular parish (which custom was first introduced by Evaristus[d], long after Bishops were spread over the world); so likewise Episcopacy itself is of Divine right, yet something may be added to it, some extent of power, which is human, and yet very lawful and expedient: wherein every Church is to be its own 604
judge. If to this which hath been said of the antiquity, universality, aptitude, security, of this way, &c., we shall add, that Ambrose, Austin, Chrysostom, Cyprian, Basil, Athanasius, and very many others, the lights of their times, were not only defenders of Episcopacy but Bishops themselves, there can remain no scruple to us of this nation what Church regiment is to be desired.

[Their objections are against its abuses.]

But some do say, why then do sundry eminent Protestant authors inveigh so much against Bishops? I answer, it is not simply against their function, but against the sloth of some for not preaching, or the pride and tyranny of some particular persons; and more especially it is against the Romish Bishops. I might cite many witnesses to make this as clear as the sun: take one of many;—"*Neque vero cum hoc dico, hujus tyrannidis eos Episcopos veram Christi religionem profitentes et docentes intendo; absit à me tam impudens arrogantia*"—"Neither while I say these things, do I accuse those Bishops of tyranny, which profess and teach the true religion of Christ: far be such impudent arrogance from me[e]." And further he saith, that they are to be acknowledged, observed, reverenced, as faithful pastors of the Chris-

[c] [Similar admissions to those of Calvin and Beza are made by Blondel, and Walo Messalinus (i. e. Salmasius); as may be seen by the quotations in Archdeacon Sinclair's tract in Vindication of Episcopal or Apostolical Succession, note M, printed in 1839.]

[d] [Anastasius and Platina, in V. Euaristi; but see Hooker, E. P., V. lxxx. 2, and Keble's note; and Field, Of the Church bk. v. c. 28. p. 501.]

[e] Beza, Resp., p. 158.

tian Church[f]. And in an Epistle to the then Archbishop of Canterbury, he expresseth himself, that such invectives were "never intended" against the government of the English Church, but against "Antichristian tyranny[g]."

Secondly, it is objected, that they did put away Bishops. I answer, that some Reformed Churches were under Bishops who were out of their territories, as the Helvetian Churches under the Bishops of Constance; others were under Bishops of another communion, as the French Churches; others could not both continue Bishops, and bring in the reformation of religion, as the Church of Geneva; others did retain Bishops under the name of superintendents, because the old name had been abused by the *Pseudo-episcopi* or false Bishops in the Church of Rome (by the same reason, we should neither use the name of Christ, nor Apostle, nor Gospel, nor Sacrament, because there have been false Christs, false Apostles, false Gospels, false Sacraments); lastly, many retained both the name and the thing, as the Churches of England, Sweden, &c.; and, generally, all Reformed Churches were desirous to have retained Episcopacy, if the Bishops that then were, would have joined with them in the reformation. This is evident, for the German Churches, by the Augustan Confession, and Apology, that Bishops might easily have retained their places, if they would; they protest that they are not guilty of the diminution of Episcopal authority[h]. And for the Helvetian Churches, it appears by that letter of Zuinglius, and ten others of their principal divines, to the Bishop of Constance, in all humility and observance beseeching him "to favour and help forward their beginnings, as an excellent work, and worthy of a Bishop[i];" they call him "Father—renowned prelate—Bishop[j];" they implore his "clemency, wisdom, learning," that he would be "the first fruits of the German Bishops, to favour true Christianity springing up again[k]," to "heal the

[f] [Ibid.,] p. 126.

[g] [Letter of Beza to Abp. Whitgift, March 8, 1591: quoted by Bancroft (who was at the time Whitgift's chaplain), Survey, c. viii. p. 134; and in Strype's Whitgift, bk. iv. c. 7 (see also c. 10); and in Sir G. Paule's Life of Whitgift, § 90. p. 63. 4to. Lond. 1612.]

[h] [See above pp. 480, 481. notes k, l.]

[i] [Supplic. Quorundam apud Helvetios Evangelistarum ad R. D. Hugonem Episcopum Constantiensem, ne se induci patiatur ut quicquam in præjudicium Evangelii promulget, &c., July 2, 1522,—fol. 121. a, inter Op. Zuingl., tom. i. fol. Tigur. 1581.]

[j] [Ibid., fol. 121. b.—122. a, 123. a.]

[k] [Ibid., fol. 121. b, 122. a.]

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wounded conscience[l];" they "beseech" him "by the common Christ, by our Christian liberty, by that fatherly affection which he owes unto them, by whatsoever was Divine and human, to look graciously upon them;" or "if he would not grant their desires, yet to connive at them;" so he should make his family yet more illustrious, and "have the perpetual tribute of their praises; so he would but shew himself a father," and "grant the request of his obedient sons[m];" they conclude, "God Almighty long preserve your Excellency[n]." Thirdly, for the French Churches, it is plain by Calvin in one of his Epistles, touching a Reformed Bishop that should turn from Popery, that he may retain his Bishopric, his diocese, yea, even his revenues and his jurisdiction[o].

Lastly, it is objected, that Bishops have been the introducers of Antichristian tyranny, and all other abuses, into the Church. One said of physicians, that they were happy men, for the sun revealed all their cures and the earth buried all their infirmities; contrariwise, we may say of governors, that in this respect they are most unhappy men, for the sun reveals all their infirmities; nay, more, all the enormities of the times and the aberrations of their inferiors are imputed to them; but the earth buries all their cures. Episcopacy hath been so far from being an adjument to the Pope in his tyrannical invasion of the liberties of the Church, that, on the other side, it was a principal means to stay and retard his usurpation; as did well appear at the Council of Trent, how little he was propitious to that Order[p]; and by the example 605
of Grosthead Bishop of Lincoln, who was "*Malleus Romanorum*[q]," and many others; and now much the rather, when Bishops acknowledge no dependency upon him. No form of government was ever so absolute as to keep out all abuses. Errors in religion are not presently to be imputed to the government of the Church. Arius, Pelagius, &c., were no Bishops. But, on the other side, if Bishops had not been, God knows what Churches, what religion, what Sacraments,

[l] [Ibid., fol. 123. a.]
[m] [Ibid., fol. 123. a, b.]
[n] [Ibid., fol. 123. b.]
[o] Epist. 273. [ed. Lausann.—scil. Responsum,—si Episcopus vel Curatus ad Ecclesiam se adjunxerit,—quomodo erga illos sese gerendum sit,—in fin. tom. ix. p. 213. ed. Amstelod.]
[p] [See below, Vindic. of Grotius and Episcopalians &c., c. iv. Disc. iii. Pt. ii. pp. 530, 531.]
[q] [Matt. Paris., in an. 1253, p. 876. See Just Vindic., c. vi., above in vol. i. p. 182. Disc. ii. Pt. i.]

what Christ, we should have had at this day; and we may easily conjecture by that inundation of sects, which hath almost quite overwhelmed our poor Church on a sudden, since the authority of Bishops was suspended. The present condition of England doth plead more powerfully for Bishops, than all that have writ for Episcopacy since the reformation of our Church.

[The conclusion of the Observator's treatise.]

I have made this digression by occasion of the Observer's so often girding at Bishops; he may either pass by it, or take notice of it, at his pleasure. There are some small remainders of his work, but of no great moment; as this, that there is a disparity between natural fathers, lords, heads, &c., and political[r]. Most true (though the Observer hath not met with the most apposite instances); otherwise they should be the very same thing: every like is also dislike. He conceives, that there is only some slight resemblance between them; but our law saith expressly otherwise;—that his Majesty is "very head, king, lord, and ruler" of this realm, and that "of mere droit and very right[s];" first, "very head and lord," and then, "of mere droit and very right;" it is impossible the law should speak more fully. But the main difference, which may come near the question, is this,—that the power which is in a "father, lord," &c., moderately and distinctly, is jointly and more eminently in a sovereign prince; as was long since declared at Rome in the case between Fabius Maximus and his son. No father could deserve more reverence from a son, yet he knew, that domestic command must veil and submit to political, and that the authority of a father of a family doth disappear in the presence of the father of a country, as lesser stars do at the rising of the sun[t]. But his main ground is, that the king is the "father, lord, head," &c., of his subjects, "*divisim*, but not *conjunctim*;" if you take them singly one by one, but not of an entire collective body. So it seems his Majesty is the king of Peter and Andrew, not of England, nor yet so much as of a whole town or village; yet the Observer himself can be contented to be the lord of a whole manor. I conceive he learned

[r] [Observations &c., pp. 18, 19.]

[s] [27 Hen. VIII. c. 26. § 1. See above, p. 395, note e.]

[t] [Plut., in Vitâ Fab. Max., tom. i. pp. 406, 407. ed. Bryant. The story is, that the younger Fabius, when consul, compelled his father to approach his presence on foot, to which the other readily submitted.]

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this doctrine out of "*Schola Salerni Anglorum Regi,*" &c.[u] If this assertion were true, how extremely hath the world been deceived hitherto! and we have all forsworn ourselves in our oaths of supremacy and allegiance. His Majesty is much bound to him for making him king of so many petty[x] little kingdoms; but as Titus Quinctius said of Antiochus his soldiers, when their friends did set them out by parcels, for armies of Medes, Elamites, Cadusians, &c., that all these in one word were but Syrians[y]; so his Majesty is well contented to reduce all these kingdoms of microcosms into one kingdom of England, if he may hold that in peace.

Such another paradox is that which follows, that "treason" or rebellion "in subjects . . is not so horrid in nature, as oppression" in superiors[z]:—one of the most absurd opinions, and most destructive to all societies, that ever was devised. By this new learning, when the master shall correct his servant, without sufficient ground in the servant's conceit, he may take the rod by the other end, and give his master some remembrances, to teach him his office better: if it be a little irregular, yet it is the less fault upon these grounds. Doth any man think, that the Observer instructs his family with this doctrine at home out of his own chair? Believe it not. By the very equity of this conclusion, it should be a greater sin for a man to mispend what is his own, than to rob or steal that which is not his own. The superior, though he abuse his power, yet hath a right to it; but the inferior hath none. How discrepant is this from the judgment of former times! They thought no crime could be so great, as that it ought to be punished with parricide; or that, for discovery thereof, a servant should be examined against his master, or a child against his parent. The law of parricides denied "*lucem vivo, fluctuanti mare, naufrago portum, morienti terram, defuncto sepulchrum.*" Tully saith, they were "to be sewed up quick in a sack, and so cast into the river; . . not to the wild

[u] ["*Anglorum regi* scribit *schola* tota *Salerni*," is the first line of a medical tract in hexameter Leonine verses, addressed about the year 1100 by the celebrated medical school of Salernum in Italy to (it is supposed) Robert of Normandy when returning to England upon the death of William Rufus to claim the English crown. See the Prolegomena to Moreau's edition of it (Paris, 8vo. 1625), pp. 17—20. There is nothing political in the tract, unless "*Anglorum*" for "*Angliæ*" be intentionally so.]

[x] ["*pretty*" in the original edition of 1643.]

[y] [Plut., in Vitâ Tit. Quinct. Flamin., tom. ii. p. 422. ed. Bryant.]

[z] [Observations &c.,] p. 19.

606 beasts, lest the very beasts should become more inhuman by such nourishment; not naked, lest they should pollute that element which purgeth all things[a]." Our Saviour calleth Judas a devil, "Have not I chosen you twelve, and one of you is a devil?" Why a devil? because he was a traitor. Let the Observer find out a worse name if he can. [John vi. 70.]

Such another is his comparison between the Thirty Tyrants at Athens and the Cavaliers at York[b]. Comparisons are odious. I desire not to meddle with them. But it is well known what the Thirty Tyrants were. 1. They were a company packed together by Lysander for his purpose. 2. They are called "*optimi*"—"good" patriots, and "*administratores reipublicæ*—the administrators of the commonwealth." 3. They had the placing and disposing of the senators or councils. 4. They made the magistrates of Athens out of their own faction and clients. 5. They were great profaners of temples, and contemners of religion; as appeared by their command to pull Theramenes from the altar. 6. They armed three thousand of their own party, and disarmed all others. 7. They filled all Greece with Athenian exiles. 8. They killed more in eight months than the Spartan wars had done in ten years. 9. "*Condebant leges*"—they usurped both the legislative power, and more than that, an arbitrary power without law. So there was need of a law, that "no man whose name was written in such a catalogue should be slain *sine judicio*"—"without lawful trial:" other men might. And yet, as if both these were not sufficient, they assumed an absolute power over the law, and against the law;—"*Ego vero, ne lege hac se tueri possit, nomen ejus deleo, et morte condemno*"—"to deprive him of the benefit of this law, I blot out his name, and condemn him to die[c]." Lastly, they had their turns; according to that prophetic prediction of Theramenes, when he had drunk up the cup of poison, and cast the snuff upon the ground, saying, "*Propino hoc Critiæ pulchro*"—"a health to gallant Critias" the arch-tyrant[d] (which story, saith

[a] [Pro Sext. Rosc. Amer., cc. 25, 26; adding,—"Etenim quid est tam commune quam spiritus vivis, terra mortuis, mare fluctuantibus, littus ejectis? ita vivunt" (parricidæ) "dum possunt, ut ducere animam de cœlo non queant; ita moriuntur, ut eorum ossa terra non tangat; ita jactantur fluctibus, ut nunquam abluantur; ita postremo ejiciuntur, ut ne ad saxa quidem mortui conquiescant." And see Justinian's Institutes, lib. iv. tit. 18. § 6.]

[b] [Observations &c.,] p. 35.

[c] [See Xenoph., Hellen., lib. ii. c. 2;—Diod. Sic., lib. xiv. cc. 3—6.]

[d] [Tuscul., i. 40.]

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Tully in his Tusculans, no man can read without tears[e]; and shortly after Critias followed him into another world, to give an account of his bloody administration.

Such flowers as these we find strawed here and there in his book: and so he concludes abruptly, "I find my reason already captivated, I can no further . . . . . [f];"—whether it were done to amuse the world, as if he had much more matter but that the press prevented him; or that all this while he hath been uttering his mysterious enthusiasms and oracles, and now ("*propiore Deo*[g]") he is rapt into an extacy or trance; or, lastly, because he was as confident of the success of his Observations, as the Spaniards of their 'invincible armada.' Zeno 'sometimes wanted opinions, but never wanted arguments[h].' What weighty reasons did the Franciscans urge on both sides, *pro et contra*, and with what fervour, even about the colour and fashion of their habits[i]! I have heard of a like stir at Amsterdam about starch. When men stretch and tenter their wits to uphold a party, they will find something to say, though it be in praise of Helen, or commendation of folly. It is dangerous to leave old received rules upon probable and specious pretences. "Remove not thou the ancient bounds, which thy fathers have set." It is the wisdom of the serpent, to "stop her ears," against "the voice of the charmer." It is the wisdom of a good Christian, a good subject, to preserve his faith to God, and his loyalty to his prince, and to bless himself from the magical spells of all such "charmers" and Observers.

Prov. xxii. 28.

Ps. lviii. [4,] 5.

Good reader, whereas an Anabaptistical Speech is cited in the Epistle[k], which some say is of dubious faith, bemoan with me the licentiousness of the times, when the press hath brought the just reward of a liar upon itself, and an Academical uncertainty upon us; but know, that in this case it is not material, nothing being cited but what agrees with the very grounds of the Anabaptists.

[e] [Ibid.]

[f] [Observations &c., p. 47.]

[g] [Virg., Æn., vi. 51.]

[h] [Diog. Laert., vii. 179; of *Chrysippus*, not Zeno; the pupil, not the master.]

[i] Anti-Mach. [scil. De Regno Adv. Machiav. Libb. III., by Innoc. Gentillet, Præf. ad lib. ii. pp. 125—133. ed. Lugd. Bat. 1647.]

[k] [The Speech alluded to appears to be Lord Brooke's,—see above p. 303. note g,—the authenticity of which there seems no reason to doubt. It appears by the Journals, of Dec. 20, 1642, that Lord Brooke was in the House Dec. 19, and that an accommodation with the King was then discussed; which are the day and the subject of the Speech in question.]

DISCOURSE III.

VINDICATION

OF

HIMSELF AND THE EPISCOPAL CLERGY

FROM THE

PRESBYTERIAN CHARGE OF POPERY,

AS IT IS MANAGED

BY

MR. BAXTER

IN HIS

TREATISE OF THE GROTIAN RELIGION.

BY

BISHOP BRAMHALL.

THE

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BISHOP BRAMHALL'S VINDICATION

OF

HIMSELF AND THE EPISCOPAL CLERGY

FROM

THE PRESBYTERIAN CHARGE OF POPERY.

[PUBLISHED AFTER THE AUTHOR'S DEATH, AT LONDON, IN 1672.[a]]

CHAPTER I.

OF MR. BAXTER AND HIS BOOKS, AND SEQUESTRATIONS.

[Of the ill-chosen title of Mr. Baxter's treatise.]

BEFORE I saw Mr. Baxter's late treatise called, The Grotian Religion[b], he was to me, "*nec beneficio nec injuriâ*[c]," neither known for good nor hurt. I acknowledge the very

[a] [By Dr. Samuel Parker, with a Preface. See above in vol. i. p. xxxi.]

[b] ["The Grotian Religion Discovered, at the Invitation of Mr. Thomas Pierce in his Vindication; with a Preface vindicating the Synod of Dort from the calumnies of the new Tilenus; and David, Peter, &c., and the Puritanes and Sequestrations &c., from the censures of Mr. Pierce—by Richard Baxter, Catholick," Lond. 8vo. 1658.—The history of the controversy, as far as relates to Bramhall and the present Discourse, is as follows. Baxter in 1653 in his Christian Concord (or The Agreement of the Associated Churches and Pastors in Worcestershire), pp. 45, 46, thought fit to accuse Grotius (who died in 1645) of a design "to reconcile Papists and Protestants in a Cassandrian Popery;" adding, that "this design had many favourites of the better sort of Papists," e. g. S. Clara, and "the colder and more ceremonial part of the Protestants," among whom (as he insinuated) were "the Bishops and the King's Chaplains and other Doctors in England," and by name, "Bp. Pierce, Bp. Wren, and Bp. Goodman with the rest;" and bidding the reader "observe," further, "how easily, since this design had become hopeless, Dr. Vane, Dr. Bailey, Dr. Goffe, with many more (of whom the Legenda Lignea"—see below p. 515. note x.—"will give an account), are turned Papists, . . whilst others stayed in England under the name of Episcopal Divines," thinking thus to "do that party more service." A Mr. Bailee having repeated this assertion was called to account for it by Thomas Pierce, in his "Ἑαυτον τιμωρούμενος or Self Revenger exemplified in Mr. Bailee" &c.; "wherein" (according to the title-page) "are also exhibited—a Vindication of Grotius from Mr. Baxter, of Mr. Baxter from Mr. Bailee, and of Episcopal Divines from both together" (4to. Lond. 1658.—see c. iii. sect. 2. p. 91.): upon which Baxter, being attacked upon the subject by Sanderson also (Pref. to Fourteen Sermons heretofore preached, IV. ad Clerum, III. ad Magistratum, VII. ad Populum, § 18. num. 7. 4th impression 1658), replied in the book first mentioned; wherein he named no one whatever except Bramhall, whom Sanderson had named as a proof of the opposite view (ibid. § 17. num. 3), but refers his challengers also to "Prynne's Canterbury's Trial, Rome's Master Piece," &c. &c., as containing certain "proved evidences and matters of fact" (Pref. to Grot. Relig. § 25).

The whole of Baxter's charge, both against Grotius and against Bramhall, was repeated almost in Baxter's words by Louis du Moulin (Patronus Bonæ Fidei in Causâ Puritanorum contra Hierarchicos Anglos,—in Prodromo pp. 1, 44, and Specim. pp. 94, 96;—published anonymously in 1672, upon the publication of Bramhall's tract).]

[c] [Tacit., Hist., I. i.]

PART II. title of his book did not please me. Different opinions do not make different "religions." It is the golden rule of justice, 'not to do that to another which a man would not have done to himself.' He would take it unkindly himself, to have his own religion contradistinguished into the 'Prelatical religion,' from which he doth not much dissent, so he might have the naming of the prelates; and the 'Presbyterian religion,' which he doth profess for the present; and the 'Independent religion,' which he shaketh kindly by the hand; and the 'Anabaptistical religion,' which challengeth seniority of all modern sects: and then to have his 'Presbyterian religion' subdivided, either according to the number of the Churches, into the 'English religion,' and the 'Scottish religion,' and the 'Gallican religion,' and the 'Belgian religion,' and the 'Helvetian religion,' and the 'Allobrogian religion;' of all the names of the Reformers, into the 'Calvinistical religion,' and 'Brownistical religion,' 'Zuinglian religion,' and 'Erastian religion,' &c. For all these have their differences. And so himself, in his preface to this very treatise[d], admits those things for pious truths, for which we have been branded with the names of Papists and Arminians, and have been plundered and spoiled of all that we had. Let himself be judge, whether this be not to "have the faith of our Lord Jesus Christ with respect of persons." The Church of Christ is but one,—"one Fold and one Shepherd;" Christian religion is but one,—"one Lord, one Faith, one hope." Then why doth he multiply religions, and cut the Christian Faith into shreds, as if every opinion were a fundamental article of religion? Let him remember that of St. Hierome;—"If you shall hear those who are said to be Christians anywhere, to be denominated not from the Lord Jesus Christ but from some other person, know that this is not the Church of Christ, but the Synagogue of Antichrist[e]."

[Matt. vii. 12.] [Jam. ii. 1.] [Joh. x. 16.] [Eph. iv. 5.]

[Scope of Mr. Baxter's treatise.] So much for the title of Mr. Baxter's book, now for his design. His main scope is to shew, that Grotius, under a pretence of reconciling the Protestant Churches with the Roman Church, hath acted the part of a coy-duck, willingly or unwillingly, to lead Protestants into Popery. And there- 608

[d] [Treat. of Grot. Relig., pref. § 5.] p. 306.]
[e] [Adv. Lucifer., Op. tom. iv. P. ii.

fore he held himself obliged in duty to give warning to Protestants to beware of Grotius his followers in England; who "under the name of Episcopal divines, do prosecute the design of Cassander and Grotius, to reconcile us to the Pope[f]." And being pressed by his adversary[g] to name those Episcopal divines ('*vir dolosus versatur in generalibus*'), he gives no instance of any one man throughout his book but of myself. I shall borrow a word with him of himself, a word of Grotius, and a word or two concerning myself.

[I. Of Mr. Baxter himself:—how his attack recoils upon his own head.]

First, for himself;—he doth but wound himself through Grotius his sides, and in his censuring Grotius, teach his own fellows to serve him with the same sauce. Grotius and Mr. Baxter both prosecute the same design of reconciliation, but Mr. Baxter's object is the British world, and Grotius his object is the Christian world. Mr. Baxter as well as Grotius, in prosecuting his design, doth admit many things which the greater part of his own fellows do reject. As, that "Præterition is an act of justice in God" (pref. sect. 7)[h];—that God giveth "sufficient grace" (in "the Jesuits'" sense) "to those that perish" (sect. 8)[i];—that "Redemption is universal,"—"They" (the Synod of Dort) "give more to Christ's Death for the elect than we, but no less, that" he "knows of, to His Death for all than we" (sect. 10)[j]. He is as much for Free-will as we;—"They all profess, that man hath the natural faculty of Free-will" (sect. 11)[k]. He who had all his other treatises, which I did never see, in probability might find much more of the same kind. I do not dislike him for this; but rather commend him, for unwrapping himself as warily as he could without any noise out of "the endless train of error[l]." And for other points, wherein he is still at

[f] [Treat. of Grot. Rel.,] p. 2. [sect. 1.—adding, "upon certain abatements and reformations of the Romanists."]

[g] [viz. by Mr. Pierce. See Baxter's Treatise, sect. 12, &c.]

[h] [Ibid., as above quoted. Præterition is a milder term, used by the Synod of Dort, for reprobation, equivalent to "non-election and reliction."]

[i] [Ibid.—"That which he" (Mr. Pierce) "calls sufficient grace (or those of his way), they" (the Synod of Dort) "confess, that God giveth to other men as well as to the elect: to give them the natural power of free-will, and a Christ to be believed in, and an offer of Christ and life, and an earnest persuasion to them to accept Him, and to leave the matter to their own choice, yea, and to add common exciting moving help of the Spirit, which yet is ineffectual, this is it that the Jesuits call sufficient grace."]

[j] [Ibid.]

[k] [Ibid.]

[l] [Spenser, Fairy Queen, canto i. stanza 18.]

PART II.

a default, I hope a little time and better information may set him right in those as well as these. But others of his own party do believe all these points, which he admits, to be as downright Popery as any is within the walls of Rome. And with the same freedom and reason that he censures Grotius, they may censure him, for the Pope's stalking-horse or coy-duck to reconcile us to Rome. Neither can he plead anything for himself, which may not be pleaded as strongly, or more strongly, for Grotius.

He may object, that those things which he admitteth are all evident truths, but sundry of those things which are admitted by Grotius are Popish errors. This is confidently said, but how is he able to make it good to other men? Grotius took himself to have as much reason as Mr. Baxter, and much more learning and reading than Mr. Baxter. But still, if his fellows do no more approve of what he saith, than he approveth of that which Grotius saith, they have as good ground to censure him, as he hath to censure Grotius. Those very points which are admitted by Mr. Baxter, are esteemed by his fellows to be as gross and fundamental errors, as any of those other supernumerary points which are maintained by Grotius. But to come up closer to him,—what if those other points disputed between Grotius and him be mere logomachies, or contentions about words, or mistaken truths? He himself confesseth as much now of all the Arminian tenets (pref. sect. 5.[m]);—"I am grown to a very great confidence, that most of our contentions about those" (Arminian) "points are more about words than matter;"—again, in the same section[n];—"the doctrine of the Divine decrees is resolved into that of the Divine operations; let us agree of the last, and we agree of the former; and almost all the doctrine of the Divine operations, about which we differ, dependeth on the point of Free-will, and will be determined with that; and how far we differ (if at all) in the point of Free-will," &c. I see Truth is the daughter of Time. Now our Arminian controversies are avowed to have been but "contentions about words." Now it is become a doubtful

[m] ["Of *most* of" them; and that "it is so little that will be left" that is not so, "that it will find small work for hot contentions." Treat. of Grot., as quoted in the text.]

[n] [Ibid.]

case, and deserving an "if," whether we have any difference "at all" about Free-will or no. The wind is gotten into the other door, since we were prosecuted and decried as Pelagians and enemies of grace, because we maintained some old innocent truths, which the Church of England and the Catholic Church ever[o] taught her sons before Arminius was born. Some of their greatest sticklers do owe a great account to God, and a great reparation to us, for those groundless calumnies, which they cast upon us at that time. For the present, I only lay down this disjunctive conclusion;—Either Mr. Baxter and his fellows have changed their judgment from what it was
609 then, which makes the distance seem less now; or they did us abominable wrong then; or both these propositions, without any disjunction, are undoubtedly true. Mr. Baxter, who was so much mistaken in his Arminian points then, may be as much mistaken in his Grotian points now.

He noteth the time when he began his book, April 9, 1658; and when he ended it, April 14, 1658[p]: by which account it cost him but six days inclusively, comprehending both the day when he began, and the day when he ended. In my judgment, this circumstance might better have been omitted. Among those who seem to approve his work, some will ascribe it to the fortune of Augustus in Suetonius in the life of Claudius,

[The inconsiderate haste with which his treatise was written.]

"Τοῖς εὐτυχοῦσι καὶ τρίμηνα παιδία[q]."—

"happy men may have children at three months." Some others will take it as a symptom of vain-glory;—other men must dig deep to lay a good foundation; but Mr. Baxter's happiness is, only by turning the cock to spout out whole pages in an instant, as if he had found them set to his hands and his part had been only to imprint them. Here was neither "*multa dies*," nor "*multa litura*[r];" neither much time lost, nor much pains taken in correcting. Thirdly, all men will say, that he undervalues his adversary, and makes his victory too cheap, "without either blood or sweat." And, on the other side, among those who dislike his work, some will make bold to tell him, that he presumes too much

[o] ["Even," in the original edition of 1672.]

[p] [p. 7, and p. 119.]

[q] [Sueton., in Claud., c. i.]

[r] [Horat., A. P., 293.]

PART II.

upon his reader's courtesy to publish such raw undigested fancies upon fewer days' deliberation than the poet requires years,—"*nonumque prematur in annum*[s]." Others will not stick to say, that they knew by the treatise itself, though he had held his peace, that it cost him no great labour. And, lastly, his saddest[t] and most judicious readers will suspect, that he hath not weighed his citations as he ought. Certainly, all those testimonies which he produces out of Grotius in this book, if he had examined them as exactly as he ought, with their coherence with the antecedents and consequents, and compared them with those authors whom Grotius doth allege for confirming of his own judgment, would have taken up thrice as many days as he assigneth to this work; yea, though he had made use of Aristotle's ball and his bason to keep him waking[u].

[His defence of Sequestrations.]

Before I leave his own part, I cannot choose but tell him, that I do not, I cannot, approve of his defence of Sequestrations[v]. And what he believeth of idle, ignorant, unworthy pastors,—that they are obliged "to make restitution[w]",—the same do I firmly believe of his sequestrators,—that without restitution according to the extent of their power, they can have small hope of salvation.

But, first, I must crave leave to tell him, that he doth utterly mistake the question. First, he doth disown the "casting out of able and godly ministers, because they are prelatical," or supposed "Arminians, or interested in the late civil differences[x]." But we know, that the greatest part of sequestered persons were such, and ejected for those very reasons. So he disowns the question. And as he disowns the question, so he diverts it, from sequestered ministers to ignorant unsufficient reading ministers. There was no need, why he should have put reading ministers into his apology; and yet he cannot choose but know, that good use may be made of reading ministers in a constituted Church; and that there is much less danger of them than of ignorant or seditious preachers. Our reading ministers, of all the clergy,

[s] [Ibid., 388.]

[t] [i. e. most grave: so—"The lady Katherine, a *sad* and religious woman." Bacon, quoted in Johnson's Dictionary.]

[u] [Diog. Laert., lib. v. sect. 16.]

[v] [Treat. of Grot. Relig., pref. sect. 26, 27.]

[w] [Ibid., sect. 26.]

[x] [Ibid.]

were in least danger of their sequestrators; who looked more at the value of the benefice than at the qualifications of those persons who were turned out. He who doubteth of this general truth, upon enquiry into particular cases may quickly satisfy himself. And as he disowns the question, and diverts the question, so he begs the question;—that those ministers whom they put in, were incomparably better than those they turned out. No; nor yet worthy to be named the same day with them. Compare those Provosts, and Presidents, and Professors, and Fellows, and Scholars, who were turned out of our Universities, with those bulrushes in comparison, whom for the most part they introduced[y]. Or read but the Martyrology of the City of London[z] alone with an impartial eye; and consider sadly, how many eminent persons, for learning, piety, and industry, have been turned out of their livelihoods, merely for those reasons which he disowneth, and
610 dares not justify. He who shall do this thing seriously, and compare them with their crawling successors, will find cause enough to write upon the doors of their habitations,

"O domus antiqua quam dispari dominaris domino[a]!"

From this foot a man may easily conjecture the proportion of the whole body, and what have been the sufferings of our orthodox clergy throughout the whole kingdom, contrary to the laws of God and man; how many of them have been beggared, and necessitated to turn mechanics or day labourers; how many imprisoned, or forced to forsake their native country and seek their bread among strangers; how many have had their hearts broken, some starved, some murdered, and the spoil of their houses given for a reward to the murderer. But this is a sad subject to dwell upon. God Almighty pardon them, who have had any hand in these cruel courses, and give them true repentance. In the mean

[y] [See Walker's Sufferings of the Clergy, Pt. ii. pp. 97, &c.]

[z] ["A General Bill of Mortality of the Clergy of London, which have been defunct by reason of the contagious breath of the Sectaries of that city, from the year 1641 to the year 1647; with the several casualties of the same: or, A brief Martyrology and Catalogue of the learned, grave, religious, and painful ministers of the city of London, who have been imprisoned, plundered, and barbarously used, and deprived of all livelihood for themselves and their families, for their constancy to the Protestant religion established in this kingdom, and their loyalty to their sovereign:"—in Persecutio Undecima, c. vi. in fin., or Heylin's Hist. of Presb., bk. xiii. pp. 455—458; and see above, Replic. c. ii. sect. 9. vol. ii. pp. 95, 96. Disc. iii. Pt. i.]

[a] [Enn., ap. Cic., Offic., i. 39.]

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time, their sequestrators, notwithstanding their former censures against all pluralists, and their present pretended self-denial, were well contented to hold pluralities themselves, with confidence enough.

But now I will suppose all that which he desires, and which he is never able to prove; yea, which his own conscience tells him to be much otherwise;—that all persons who have been sequestered or turned out of their benefices by them, had been such undeserving persons as he feigneth; and all those who were put in their places, had been such learned, honest, and orthodox divines; such as, out of conscience and a desire to do good, did seek as much after the stipendiary cures of reading ministers, as after the larger benefices of more eminent scholars;—yet these sequestered persons had a just title to their benefices by the laws of England. That which was theirs by law, cannot be taken from them without law, or against law. Dominion is founded in nature, not in grace. Nothing is more hidden than true grace: we understand it not certainly in another, hardly in ourselves. Therefore, if grace should give every one that pretends to it interest in that which is another man's lawful possession, no man's title could be certain to another, scarcely to himself: from whence must necessarily follow an incredible confusion and an inevitable perturbation of all estates. By the laws of England they were possessed of their benefices, and by the laws of England they ought to be outed of their benefices. They who decried arbitrary government, should not be the only men to introduce arbitrary government into England. The law of England knoweth no way to out a man of his benefice but death, cession, or deprivation. It knoweth no deprivation but for crimes committed against law, and that law more ancient than those crimes. "Where there is no law, there is no transgression;" and where there is no transgression, there can be no deprivation. The law of England knoweth no deprivation but by persons to whom the ancient law of England hath committed the power of depriving. So, every way, their sequestrations are unlawful, and they who hold them are like moths which inhabit in other men's garments. Of all the Commandments the eighth is most dangerous; other Commandments oblige to repentance, but that

[Rom. iv. 15.]

obligeth both to repentance and restitution. His instances of a physician[b], and a commander[c], and a pilot[d], who hold their offices *ad voluntatem domini*—so long as their masters think fit, are not appliable to a benefice, which is the inheritance of the present incumbent and his successors. Sequestration may have place during the vacancy of a benefice, or until the decision of some process depending, or for the discharge of some duty which by law is incumbent upon the benefice; but such lawless arbitrary sequestrations as these were, are plain robbery by all laws of God and man.

CHAP. II.

611 OF GROTIUS, AND WHAT COMMUNION HE WAS OF.

[II. Of Grotius, Wicelius, and Cassander;—who were true lovers of peace.]

NEXT for Grotius, and others of his charitable way. I acknowledge freely, that I prefer one page of Wicelius[e] or Cassander[f] or Grotius, for true judgment, before all the works of Taulerus[g], and ten more such authors. Yet I have read sundry of them; and sometimes have approved more of their piety than of their judgment, and at other times repented of the loss of my time. Yea, I do prefer these three before a hundred yawning wishers for peace, whilst they do nothing that tendeth to the procuring of peace. Particularly, I do admire the two former for this reason, because their clearer judgments did pierce so deep into the controversies of religion, before they were rightly stated; and their free spirits

[b] [Treat. of Grot. Relig., pref., sect. 26.—viz. that it were right to "sequester the maintenance" of "a physician maintained by a public stipend for the public service," if he were "ignorant, malicious, or careless," "killing men instead of curing them." And similarly in the two other instances.]

[c] [Ibid.]

[d] [Ibid.]

[e] [George Wicelius the elder, born 1501, died 1573, a German divine of the Roman Catholic Church (although at one time he became a Protestant minister), was principally distinguished by his labours in behalf of a reunion between the two parties. His Via Regia and Methodus Concordiæ are in the Append. ad Fascic. Rer. Expetend. et Fugiend., pp. 708, &c. Where also, and in Bayle, may be found an account of his life.]

[f] [Of the celebrated George Cassander, born 1515, died 1566, a long account may be found in Dupin in Cent. XVI.]

[g] [John Taulerus or Thaulerus, who died in 1361, was a Dominican monk and a celebrated mystic. He was highly eulogized by Luther, and consequently by many Lutherans, and by Dr. Henry More in England; and a work of his called Theologia Germanica became a book of common use as a religious manual. See Bayle, Diction., and Biogr. Brit. in Dr. H. More.]

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dared to tell the world impartially what was amiss, according to the dictates of their consciences, though with the hazard of their lives, without any other motive than the discharge of their duties. And if any of them be reviled for their charity, the greater is their "reward in Heaven." [Matt. v. 12.]

[Yet the author dissents (not only from the others but) from Grotius, in some points.]

Yet I cannot pin my "religion" to any of their sleeves. Plato is my friend, and Socrates is my friend, but Truth is my best friend[h]. Perhaps I may disapprove some things in Grotius his works, or some parts of them, more than Mr. Baxter himself. He extolleth his book of the Right of the Sovereign Magistrates in Sacred things[i]. But when I did read it, he seemed to me to come too near an Erastian, and to lessen the power of the keys too much, which Christ left as a legacy to His Church. It may be he did write that before he was come to full maturity of judgment; and some other things, I do not say after he was superannuated, but without that due deliberation which he useth at other times; wherein a man may desire Grotius in Grotius. Or it may be, that some things have been changed in some of his works[k]; as I have been told by one of his nearest friends; and that we shall shortly see a more authentic edition of them all. This is certain, that some of those things which I dislike were not his own judgment after he was come to maturity in theological matters.

[Grotius no Papist.]

But whereas Mr. Baxter doth accuse him as a Papist, I think he doth him wrong; nay, I am confident he doth him wrong; and that he oweth a reparation to his memory. I have read all that he allegeth to prove him a Papist, but without any conviction or alteration in my judgment. And I believe, that one who delighteth in such kind of contentions, would find it no difficult task to clear all his objections, and demonstrate the contrary out of the writings of Grotius himself, and others of the most learned and judicious Protestants. Sometimes he accuseth him of that which is not

[h] [Plat., Republ., x. i.—Aristot., Eth. Nic., i. 4. init.]

[i] [Treat. of Grot. Relig., sect. 2. pp. 4, 5.—Grotius' book De Imperio Summarum Potestatum circa Sacra was published at Paris after his death in 1647, and again with notes by Blondel in 1648.]

[k] [See e. g. what Hammond says, both of the Annotations (of Grotius) on the N. T. and of the work mentioned in the last note, in his Answ. to Animadv. concerning the Dissert. upon Ignatius, c. v. sect. ii. § 7, 8. Works, vol. ii. ed. 1684.]

true at all, *sub modo*—as it is alleged. Nothing can be so truly said, but that it may be depraved by mis-relation or mis-interpretation or inconsequent inferences. At other times he accuseth him of that for Popery which is no Popery, the greater and better and sounder part of Protestants being judges. Yet, if Grotius his genius had been somewhat less critical, and so much more scholastical, he had not laid so open to Mr. Baxter's accusations;

"Unum hoc maceror et doleo sibi deesse[l]."

It shall suffice me to say, that he was a person of rare parts, of excellent learning, of great charity; and of so exemplary a life, that his fiercest adversaries had nothing to object against him of moment, but were forced to rake into the faults of his family; which, whether true or false, was not so ingenuously done.

[But a sincere lover of the Church of England.]

But lest any man might chance unawares to hit his own spiritual mother out of a mistake, I will endeavour to give some further light what was the religion of Grotius. He was in affection a friend, and in desire a true son, of the
612 Church of England; and upon his death-bed recommended that Church, as it was legally established, to his wife, and such other of his family as were then about him, obliging them by his authority to adhere firmly to it, so far as they had opportunity; and both myself, and many others, have seen his wife, in obedience to her husband's commands, which she declared publicly to the world, to repair often to our prayers and Sacraments, and to bring at least one of his grandchildren to Sir Richard Brown's house, then Resident for the king in Paris, to be baptized into the faith and communion of the Church of England, and be made a member thereof, as it was accordingly[m]. If any man think, that he

[l] [C. Cæs., ap. Auctor. Vit. Terent., ad fin.]

[m] [Grotius resided at Paris (with his family) as ambassador of Queen Christina to Louis XIII. from 1634 to 1644 (Life prefixed to his Theol. Works, Lond. 1679): and Sir Richard Brown's Chapel served as the Church of the English Churchmen at Paris during the Rebellion (see Evelyn's Diary, March 12. 1683). For further proofs of the account given in the text, see below in the note added to the end of this Discourse in the present edition. An express "Defence of Grotius," against the charges both of Popery and of Socinianism (for he was accused of both), is among Hammond's Works, vol. ii. fol. Lond. 1684; published originally in 1655, and a Continuation in 1657: and see Thorndike's Epilogue, Epist. to the Reader, p. 5. fol. Lond. 1659; Bayle, Diction. art. Hugo Grotius, notes H, I; and Burigny's Life of Grotius, bk. vi. § xvi. &c., pp. 282-326. Eng. Transl. 8vo. 1754.]

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knoweth Grotius his mind better by conjectural consequences than he did himself, or that he would dissemble with his wife and children upon his death-bed, he may enjoy his own opinion to himself, but he will find few to join with him.

CHAP. III.

NO GROTIAN DESIGN IN ENGLAND.

[III. No Grotian design, such as Mr. Baxter imagines, in England.]

ANOTHER branch of his discourse is concerning the Grotian design in England. He pretends, that there was a party of Grotius his followers in England, who "prosecuted his design" of "reconciling us to the Pope, . . under the name of Episcopal divines[o]." That Grotius had a pacificatory design, all men acknowledge; and he himself extolleth it as much as any of us. "For his pacificatory design in general, I take it to be one of the most Christian, noble, blessed works that any man can be employed in[p]." That Grotius was a stalking-horse for the Pope, or had any design but in order to peace and truth, or that he had any party in England who followed him further than he followed the truth, after all Mr. Baxter's pretences, we have no reason to believe. This is his own absurd and groundless presumption. For certainly Grotius could have no thoughts of introducing any Popish errors into England, who looked upon the Church of England as the right medium of reconciliation. Neither were there any genuine sons of the Church of England, who thought upon any change either in doctrine or discipline. We may safely take our oaths of the truth thereof. It was his own party, only his own party, who were plotting and contriving a change underhand, and cried out against other men's feigned innovations to conceal their own real innovations. But how doth he make it appear, that Grotius had such a party of followers in England, who sought "to reconcile us to the Pope?" If it be sufficient to accuse, no man can be innocent. Let him speak out distinctly; we fear not his charge. Would they reconcile us to the Pope and Papacy as it is now established[q]? Let him not say it for shame, they abhor it. Or would they reduce the Pope to what he was from the beginning, and so reconcile us? All

[o] [Treat. of Grot. Relig., sect. 1.] p. 2.
[p] [Ibid.,] sect. 3. [p. 5.]
[q] [This is not quite fair. See above p. 505. note f.]

good Christians join with them in so pious an act. If his own meaning do agree with his words, he himself doth not quarrel [with] the Pope for his just rights, but for his innovations. If he mean it not, it is a double shame.

[Mr. Baxter's feeble reasons for his supposition.]

His first reason to prove that there was such a party of Grotians in England, who nourished such a design, is taken from Grotius his own words,—"Paris knows, and many throughout France, many in Poland and Germany, not a few in England, quiet persons and lovers of peace, that Grotius his labours for peace have not displeased many moderate persons[r]," He addeth, that "Rivet agreed better with the Brownists than with the Bishops of England[s]." For pity' sake let him shew us wherein the strength of his argument doth lie. He may as well persuade us that we see a dragon flying in the air, as that there is any design of introducing the Pope couched in these words. Doth the strength of his argument perhaps lie in this, that there were "lovers of peace" in "England?" So there were all over Christendom, before Grotius was born. France, Germany, Poland, all Christendom, shake hands with us in this. He himself professeth, that "he is resolved to speak for peace whilst he hath a tongue to speak, and to write for peace whilst he hath a hand to write[t]." Or doth the strength of his argument lie in this, that "Rivet agreed
613 better with the Brownists than with the Bishops of England?" Whether he did or did not, whether it be true or false, what doth this concern Episcopal divines? Such are his proofs against Grotius, always halting on one side, most commonly on both sides. I am afraid this great "mountain" design will prove but "a ridiculous mouse[u]" in the conclusion.

He asketh, "What if" he "had named Bishop Goodman, and all the rabble described in the Legenda Lignea, which are more than Doctor Vane, and Doctor Goffe, and Doctor Baily, and H. P. de Cressie[x]," &c. I answer, first, if he had

[r] [Treat. of Grot. Relig., sect. 67.] p. 96;—[from Grotius, Discuss. Rivet. Apolog., p. 16.]

[s] [Ibid.; from the same tract and passage.]

[t] [Ibid., sect. 3.] p. 6.

[u] [Horat., A. P., 139.]

[x] [Treat. of Grot. Relig., sect. 89.] p. 99. [The names in the text head a list of fifty-three converts to Romanism, prefixed to a book entitled "Legenda Lignea, with an Answer to Mr. Birchley's" (viz. S. Clara's) "Moderator," &c., "and a character of some hopeful Saints Revolted to the Church of Rome," by "D. Y." (Lond. 8vo. 1653). See above p. 503. note b.]

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named these for Episcopal divines of the Church of England, of whom he held it necessary to admonish his readers, that they might beware of them as promoters of the Grotian design, he had made himself guilty of one of the grossest and silliest calumnies that ever was. For some of these were dead, and all of them apostated to the Church of Rome, before he gave his warning. And Bishop Goodman, in particular, was branded by the Church of England for his inclination to Roman errors[y]. Secondly, I answer, that if he had named these, he had wounded his own party more than Episcopal divines. Abate only Bishop Goodman, whom I did never know, and of the rest whom he nameth, not one was throughly a genuine Episcopal divine. Excuse me for telling the truth plainly; many who have had their education among sectaries, or non-conformists, have apostated to Rome, but few or no right Episcopal divines. Hot water freezeth the soonest.

He addeth, that "Grotius himself assures" him ("whom" he hath "reason to believe") "that there were not a few such among the prelatical men[z]." How! "not a few such" as these, who have apostated from the Church of England? For ingenuity's sake, let him tell us where Grotius saith any such thing. Grotius hath not one word to his purpose, when it is duly examined. But this it is to confute books in less time than wise or modest men would require to read them.

[The groundless fear which occasioned it.]

Hitherto he is not able to shew us any tolerable reason of his warning. But he sheweth us the occasion;—"Those that unchurch either all or most of the Protestant Churches, and maintain the Roman Church, and not theirs, to be true, do call us to a moderate jealousy of them[a]." This is far enough from proving his bold suggestion, that they have a design to introduce the Pope into England. So, though all he say were true, yet he can conclude nothing from thence to make good his accusation or insinuation. I wish he would forbear these imperfect enthymematical forms of arguing, which serve only to cover deceit; and set down both his propositions expressly. His assumption is

[y] [He was threatened with suspension for refusing to sign the canons of 1639 by Abp. Laud (Fuller, Ch. Hist., Cent. xvii. bk. xi. cc. 22, 23), and afterwards avowed himself openly to be a Romanist:—See Chalmers' Biogr. Dict.]

[z] [Treat. of Grot. Relig., sect. 89. p. 99.]

[a] [Ibid., sect. 57.] p. 82.

wanting, which should be this—'But a considerable party of Episcopal divines in England, do unchurch all or most of the Protestant Churches, and maintain the Roman Church to be a true Church, and them to be no true Churches.' I can assent to neither of his propositions, nor to any part of them, as true, *sub modo*—as they are alleged by him.

[Succession of Bishops;—how far held essential by Episcopal divines.]

First, I cannot assent to his major proposition,—that all those, who make an ordinary personal uninterrupted succession of pastors to be of the integrity of a true Church (which is the ground of his exception[b]), have therefore an intention, or can be justly suspected thereupon to have any intention, to introduce the Pope. The eastern, southern, and northern Churches are all of them for such a personal succession, and yet all of them utter enemies to the Pope. Secondly, I cannot assent to his minor proposition, that either all or any considerable part of the Episcopal divines in England do unchurch either all or the most part of the Protestant Churches. No man is hurt but by himself. They unchurch none at all, but leave them to stand or fall to their own Master. They do not unchurch the Swedish, Danish, Bohemian Churches, and many other Churches in Polonia, Hungaria, and those parts of the world, which have an ordinary uninterrupted succession of pastors, some by the names of Bishops, others under the name of Seniors unto this day[c] (I meddle not with the Socinians). They unchurch not the Lutheran Churches in Germany, who both assert Episcopacy in their Confessions[d], and have actual superintendents in their practice[e], and would have Bishops name and thing if it were in their power. Let him not mistake himself; those Churches which he is so tender of, though they be better known to us by reason of their vicinity, are so far
614 from being "all or the most part of the Protestant Churches," that being all put together, they amount not to so great a proportion as the Britannic Churches alone. And if one secluded out of them all those who want an ordinary succession without their own faults, out of invincible ignorance or necessity, and all those who desire to have an ordinary

[b] [Ibid., sect. 71. pp. 101, 102.]

[c] [See below p. 532. notes k, l; and Durell, Vindic. Eccl. Angl., c. 34. p. 507.]

[d] [See above in Serpent-Salve, sect. 25. pp. 480, 481. Disc. ii. Pt. ii.; and below p. 532.]

[e] [Ibid., p. 480, note i.]

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succession either explicitly or implicitly, they will be reduced to a little flock indeed.

But let him set his heart at rest; I will remove this scruple out of his mind, that he may sleep securely upon both ears. Episcopal divines do not deny those Churches to be true Churches wherein salvation may be had. We advise them, as it is our duty, to be circumspect for themselves, and not to put it to more question, whether they have Ordination or not, or desert the general practice of the universal Church for nothing, when they may clear it if they please. Their case is not the same with those who labour under invincible necessity. What mine own sense is of it, I have declared many years since to the world in print[f]; and in the same way received thanks, and a public acknowledgment of my moderation, from a French divine[g]: and yet more particularly in my reply to the Bishop of Chalcedon, pref. p. 4. and cap. 1. p. 71.[h] Episcopal divines will readily subscribe to the determination of the learned Bishop of Winchester, in his Answer to the Second Epistle of Molinæus.—"Nevertheless, if our form" (of Episcopacy) "be of Divine right, it doth not follow from thence that there is no salvation without it, or that a Church cannot consist without it. He is blind who does not see Churches consisting without it; he is hard-hearted who denieth them salvation. We are none of those hard-hearted persons; we put a great difference between these things. There may be something absent in the exterior regiment, which is of Divine right, and yet salvation be to be had[i]." This mistake proceedeth from not distinguishing between the true nature and essence of a Church, which we do readily grant them, and the integrity or perfection of a Church, which we cannot grant them without swerving from the judgment of the Catholic Church.

[The Church of Rome;—

The other part of his assumption is no truer than the former. We do acknowledge the Church of Rome to be

[f] [Viz. in Serpent-Salve, above pp. 475, 476, published in 1643.]

[g] [Viz. Peter Du Moulin the younger, in his Défense de la Religion Reformée et de la Monarchie et Eglise Anglicane contre l'impiété et la tyrannie de la Ligue Rebelle d'Angleterre, c. xvii. pp. 115, 116; published anonym. in 1650, and in English 1659: quoting Serpent-Salve, sect. 25, above p. 475.—"I write not this to prejudge," &c.]

[h] [Of the edition of 1656:—above in vol. ii. pp. 25, 26; 69, 70. Disc. iii. Pt. i.]

[i] [Opusc., pp. 166, 167. ed. 1610.]

metaphysically a true Church, as a thief is a true man, consisting of soul and body[k]; so did Bishop Morton[l], Bishop Hall[m], Bishop Davenant[n], old Episcopal divines; so did Mr. Primrose[o], and other Presbyterian divines; so doth he himself in this very treatise[p]. What a weakness is it to accuse Episcopal divines of that which he himself maintaineth. But we all deny, that the Church of Rome is morally a true Church, because it is corrupted and erroneous: we make it to be a living body, but sick and full of ulcers. So we neither destroy the body out of hatred to the ulcers, nor yet cherish the ulcers out of a doting affection to the body. And therefore he had no reason in the world to suspect Episcopal divines of a plot or design to introduce Popery into England, which they look upon as the very gangrene of the Church.

[how far held a true Church by Episcopal divines.]

He pleadeth a reason, why he doth not name those Episcopal divines who had this design,—for fear of doing them hurt[q]. As if it were not less hurtful to discover the nocent, if he knew any such, than to subject the innocent both to suspicion and censure, by his general descriptions. I cannot excuse his first intimation of such a design, because he had no ground at all for it: but I can easily excuse his silence now, upon another reason, because I am confident there neither are, nor ever were, any such designers among the Episcopal party.

[Mr. Baxter refuses to name those whom he accuses.]

Whereas he ought to prove his intention that there was such a design, in the place thereof he gives us some symptoms or signs whereby to know the designers. This is one great fault in his discourse. But the worst is, they are all accidental notes, which may either hit or miss; there is not one essential mark among them.

His first mark is, they are "those that actually were the

[His first mark of Grotians.]

[k] [See Replic. to the Bp. of Chalced., Answ. to Pref. sect. 3; above in vol. ii. pp. 38, 39. Disc. iii. Pt. i.]

[l] [Catholike Appeale for Protestants, bk. iv. c. 2. fol. Lond. 1610.]

[m] [No Peace with Rome, sect. i.; Works pp. 633, 634. fol. Lond. 1625.]

[n] [Determinationes Quæstion. Quarundam Theologic., Qu. xxi.; p. 102. fol. Cantab. 1634.]

[o] [It does not appear to whom this alludes. Dr. Gilbert Primerose, and his son David, were Presbyterians of some note in the reign of Charles I. (see Wood, Athen. Oxon., and Fasti); and a Mr. George Primrose a minister at Hereford, was "cast out" for non-conformity in 1660 (Calamy's Life of Baxter, vol. ii. 2nd. edit.); but the two first conceded far less to the Church of Rome than the text implies, and the last was not an author.]

[p] [e. g. Treat. of Grot. Relig., sect. 3. pp. 5-9, sect. 4. p. 10, sect. 16. p. 30.]

[q] [Ibid.,] sect. 70. [pp. 100, 101.]

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agents in the English illegal innovations, which kindled all our troubles in this land, and were conformable to the Grotian design[s]." Those last words—"and were conformable to the Grotian design"—were well added, though they be a shameful begging of the question, and signify the same thing by itself. A strange kind of proof: for without these words all the world will take him and his party to be the illegal innovators, and nobody but them. The Episcopal divines hold their old canons, their old Articles, their old Liturgy, 615
their old Ordinal, still without any change. They took the Protestation against innovations[t] without any difficulty, and are ready to take it over and over again. Their fault was, that they could not swallow down new Covenants to innovate. His party have changed canons, Articles, Liturgy, all things, and yet have the confidence to cry innovators first.

[His second mark of Grotians.]

His second mark is, they "bend the course of their writings . . to make the Roman Church honourable, and to vindicate them . . from Antichristianism, . . and to make . . the Reformed Churches odious[u]." This is a poor note indeed; as if men were obliged, out of hatred to the Church of Rome, to deny it that honour which is justly due unto it, or out of affection to the Protestant Churches to justify their defects. What reward did ever any English Protestant get from Rome for doing them this honour? I know no man who honours the Church of Rome more than himself. He calls Cassander, Thaulerus, Ferus, "blessed souls with Christ[x]." He esteems the French nation to be (not only an erroneous, but) "an honourable part of the Church of Christ[y]." Episcopal divines have learned to distinguish between that great Antichrist and lesser Antichrists, between the Court of Rome and the Church of Rome[z], which he confounds. I dare not swear that the Pope is that great Antichrist, but I dare swear that I never had any design to bring Popery into England, I hope I never shall have, and that all genuine Episcopal divines may take the same oath.

[s] [Ibid., sect. 71. p. 101.]

[t] [Scil. that of May 1641, imposed by the House of Commons; for King and Church as by law established. See Nalson, vol. i. pp. 810, 811;—Rushw., vol. iv. p. 736.]

[u] [Treat. of Grot. Relig., sect. 71. p. 101.]

[x] [Ibid., sect. 4.] p. 10. [Ferus was a Bohemian Jesuit, who took an active part against the Reformation there; born in 1585, died in 1655 (Biogr. Univ.).]

[y] [Ibid.]

[z] [See e.g. Just Vindic. c. iii.; above in vol. i. pp. 128, 129. Disc. ii. Pt. i.]

His third note of distinction whereby to know an English Grotian is this, they "labour to prove the Church of Rome a true Church, because of their succession, . . and the Reformed Churches to be none, for want of that succession[a]." This note is already answered. Elsewhere he presseth this point further, thus;—that he would gladly "know what Church hath power to make a new canon, the observation whereof shall be essential to a Church or pastor[b]." I answer, that he doth doubly mistake the question, which is not whether the Catholic Church can make new essentials, but whether it can declare old essentials. Not whether the canons of the universal Church of this age have Divine authority, but whether they do oblige Christians in conscience, and whether it be not temerarious presumption for a particular person or Church to slight the belief or practice of the universal Church of all succeeding ages.

[His third mark of Grotians.]

His fourth note of Grotians is, that they "are for a visible head of the universal Church, whether Pope or general Council[c]." They who are for the headship of a general Council are no fit instruments for the introduction of the Pope's tyrannical power. It seemeth he rejecteth the authority of general Councils, either past or to come, as well as Popes; so dare not we. If under the name of the universal Church he include the triumphant Church, we know no head of the universal Church but Christ. If he limit it to the militant Church, we are as much against one single monarch as he, we dislike all tyrannical power in the Church as well as he; yet we quarrel with no man about the name of Head, or a metaphorical expression. But if he think that Christ left the Catholic Church as the ostrich doth her eggs, in the sand, without any care or provision for the governing thereof in future ages, he erreth grossly. So the Catholic Church should be in a worse condition than any particular Church, yea, than any society in the world; like the Cyclops' cave, where no man heard or heeded what another said. Particular Churches have sovereign princes and synods to order them, but there never was an universal monarch. And if he take away the authority of general

[His fourth mark of Grotians.]

[a] [Treat. of Grot. Relig.,] sect. 71. [pp. 101, 102.]

[b] [Ibid., sect. 56. p. 82.]

[c] [Ibid., sect. 71. p. 102.]

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Councils, he leaveth no human helps to preserve the unity of the universal Church: what is this but to leap over the backs of all second causes? The first Council was of another mind, —"It seemed good to the Holy Ghost and to us." And so have all the Churches of the world [been], from Christ's time until this age.

Acts xv. 28.

[His fifth mark of Grotians.]

His fifth note of Grotians,—to "deny the sufficiency of Scripture in all things necessary to salvation[d]"—might well have been spared, for we all maintain it as well as he; but he shuffles into the question such impertinent and confused generalities about the "peace of the Church[d]," and "traditions[d]," as deserve no answer. The sufficiency of Scripture is not inconsistent, either with prudential government, or the necessary means of finding out the right sense of Scripture. When he expresseth himself more distinctly, he may expect a categorical answer.

His last mark is, that they "will not be persuaded to join 616
on any reasonable terms for the healing of our present divisions[d]." This dependeth upon his own interpretation, what he judgeth to be "reasonable terms." We have seen his dexterity in making wounds, and would be glad to have experience of his skill in healing them. He complains only of "illegal innovations[e]." Dare he stand to the ancient laws? If he dare, the controversy is ended. If he like not this, for we know their exceptions were against the laws themselves, not against "illegal innovations," let them name those laws which they except against, and put it to a fair trial, whether there be any thing in any of them, which is repugnant to the laws of God or of right reason. If they will but do this seriously without prejudice, the business is ended. I will make bold to go yet one step higher. Though our laws be unblamable, yet, if the things commanded be but of a middle or indifferent nature, we are ready to admit any terms of peace, which we can accept with a good conscience, so as we may neither swerve from the analogy of faith, nor renounce the necessary principles of government, nor desert the communion and ancient and undoubted customs of the universal Church. Such an accord would be to much loss both to you and us.

[d] [Ibid.]

[e] [Ibid., sect. 73. p. 105.]

He would persuade us, that there are two sorts of "Episcopal divines" in England, "the old" and "the new;" and that "there is much more difference between the old and the new, than between" the old "and the Presbyterians[f]." O confidence, whither wilt thou! what is the power of prejudice, and pride! The contrary is as clear as the light; we maintain their old Liturgy, their old Ordinal, their old Articles, their old canons, their old laws, practices, and prescriptions, their old doctrine and discipline, against them. Then tell us no more of "old Episcopal divines," and "new Episcopal divines;" we are old Episcopal divines, one and all. Out of his own words I condemn him;—"the old sort of Episcopal divines, that received the public doctrine of the nation, contained in the Thirty-nine Articles, Homilies, &c., I wholly acquitted from my jealousies of this compliance[g]." If they be "old Episcopal divines," who maintain "the doctrine of the Thirty-nine Articles and Homilies," then we are all "old Episcopal divines." In "acquitting" all them he acquitteth all us. If he can shew any thing that I have written contrary to these, I retract it; if he cannot, let him retract his words. He might have taken notice of my submission of whatsoever I writ "to the œcumenical essential Church," and to its "representative a free general Council," and "to the Church of England, or a national English Synod, to the determinations of all which, and each of them respectively, according to the distinct degrees of their authority, I yield a conformity and compliance, or to the least and lowest of them an acquiescence[h]." So far am I, and always have been, from opposing the Church of England wittingly.

[His groundless distinction between "old" and "new" Episcopal Divines.]

He maketh a show as though he could make it appear, "that the Grotian design was the cause of all our wars and changes in England[i];" but it is but a copy of his countenance. How should "the Grotian design" be "the cause of all our wars," when our war began before Grotius himself began his design, or to write of the reconciliation of Protestants and Papists, which was in the years 1641 and 1642[j].

[The Grotian design no cause of our civil wars.]

[f] [Ibid.,] sect. [72. p. 103.]

[g] [Ibid.,] sect. 12. [p. 21.]

[h] Pref. to the Reply to Bish. of Chalced. [above in vol. ii. p. 22. Disc. iii. Pt. i.]

[i] [Treat. of Grot. Relig., sect. 73. p. 105.]

[j] [His Via ad Pacem Ecclesiasticam, which included Cassander's Consultatio with a Commentary by Gro-

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But without all controversy, either the Grotian design was the cause of our wars; or the design, and more than the bare design, of his own party. The world knows well enough, and I leave it to his own conscience to tell him, whether of the two was the right mother of the child.

[His other reasons for believing such a design to have existed.]

Though he fail in his proofs against Episcopal divines, yet he produceth sundry other reasons to prove that there was such a plot on foot to introduce Popery into England; but they do not weigh so much as a feather, nor signify any thing more than this, how easily men believe those things which they wish.

[Franciscus à Sanctâ Clarâ.]

He saith, "Franciscus à Sanctâ Clarâ's design and Grotius his design seem the very same, and their religion and Church the same[k]." Nay, certainly (that is more than 'seemingly') their religion and Church was not the same; unless he mean the same Christian religion, and in that sense his own religion is the same with theirs, but in his sense they were not the same. This is begging of the question which he ought to prove. Grotius was not of the French communion. And for their designs, the world is so full of feigned plots and designs, that I do not believe that either of them had any design, 617
except that general and pacificatory design, which he himself professeth and extolleth every where. I wish every man's books had as much learning and ingenuity in them as à Sanctâ Clarâ's have. Yet if he conclude from hence that I and he are of the same communion, he doth me wrong. Judge, reader, how partial men are, to deny that liberty to another which they assume to themselves.

[Queen Henrietta.]

He proceedeth, "This à Sanctâ Clarâ is still the Queen's chaplain[l]," &c.; "and we have reason [enough] to believe the Queen to be so moderate as to be of the same religion[m]." Whether he be the Queen's chaplain or not, is more than I know. The Queen hath had many servants of Mr. Baxter's own communion, who have had more influence upon her councils than ever à Sanctâ Clarâ had. He hath "reason to

tius, was published in 1642; as were also his Votum Pro Pace Ecclesiasticâ contra Examen A. Riveti, and his Animadversiones in Animadv. A. Riveti. The Discussio Rivetiani Apologetici did not appear until 1645.]

[k] [Treat. of Grot. Relig.,] sect. 73. [p. 105.]

[l] [See Wood, Athen. Oxon., vol. iii. p. 1222.]

[m] [Treat. of Grot. Relig., sect. 73. p. 105.]

believe," that the Queen and he were of the same religion; but no reason to prove that so seriously and so weakly which all men acknowledge. That either the Queen or he had any hand in the pretended design of Grotius and his followers, no man can believe.

[Charles the First no Romanist.]

From the Queen he passeth over to the King. What to do? To accuse him of Popery. He cannot prove it, nor all the world to help him. Yea, he professeth openly, that he "believeth no such thing[n]." Not only "his conference with the Marquis of Worcester[o]," but his life and death, and that golden legacy which he left to his son[p], do proclaim the contrary to all the world. What is his aim then? To shew how far he "was inclined to a reconciliation[q]." That is the duty of every good Christian. But did he prefer peace before truth? Had he any design to introduce Papal tyranny into England? That is the crime whereof he accuseth those whom he nick-nameth Grotians. The Devil himself cannot justly object any such thing against him.

[The Spanish and French matches.]

He cites "the articles of the Spanish and French matches[r]," nearest to God's Word for doctrine and to the primitive examples for government, with some little amendment;" and as holding what Charles had "ever esteemed to be the best profession of religion."—Compare also the Answ. to La Millet., above in vol. i. pp. 77, 78. Disc. i. Pt. i;—Charles' Protestation at the head of his army near Wellington in Staffordshire Sept. 19. 1642, at the outbreak of the civil war, in Heylin, Biblioth. Regia, Pt. i. pp. 56, 57; and his Speech and Protestation in 1643 before receiving the Holy Eucharist at Ch. Ch. Oxon. from the Lord Abp. of Armagh, id., ibid. p. 58; that he intended the support of "the true reformed Protestant religion" as "established in the Church of England," and "as it stood in the happy days of Queen Elizabeth, without any connivence at Popery;"—and, lastly, his Declaration to All Foreign Churches concerning his sincerity in the true Protestant Religion, Prid. Id. Maii 1644, in Latin and English, Heylin, ibid. pp. 59-65.]

[n] [Ibid., p. 106.]

[o] [Ibid.—An account of this conference is to be found in a small volume by Dr. Thomas Baylie, at the time Subdean of Wells, entitled—Certamen Religiosum, or A Conference between his late Majestie Charles King of England and Henry late Marquess of Worcester, concerning Religion; at his Majesties being at Raglan Castle 1646; wherein the maine differences (now in controversie) between the Papists and the Protestants is (sic) no lesse briefly than accurately discuss'd and bandied; now published for the world's satisfaction of His Majesties constant affection to the Protestant Religion: 8vo. Lond. 1649. Some doubt was thrown upon the veracity of Dr. Baylie by Heylin, but seemingly without reason; and he afterwards withdrew his objections. See Wood, Athen. Oxon., vol. ii. pp. 201, 202. ed. Bliss;—Heylin, Biblioth. Regia, Pt. i. pp. 65-109. 8vo. Lond. 1659. The conference took place shortly after the unfortunate battle of Nazeby, and at the Marquis's request.]

[p] [Viz. the Εἰκων Βασιλική; which was first published in 1648, and of which c. xxvii., addressed to the Prince of Wales, exhorts him to "persevere" in the Church of England, "as coming

[q] [Treat. of Grot. Relig., sect. 73. p. 106.]

[r] [Ibid.—The public articles of the intended Spanish match in 1623 (Rushw., vol. i. pp. 86—89), and of the actual French match in 1624 (Ry-

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but is not able to cite one word out of them which maketh for his purpose. And this alone, that there is nothing in them for his purpose, is a convincing proof against him, that all his pretended design is but a dream. I may well call it *his* design, for it is the phantasm of his own brain, and never had any existence in the nature of things.

[The King's letter to Gregory XV.]

He mentions the King's "letter to the Pope, written in Spain[s]." If he himself had been there at that time, upon the same condition the King was at that time, he would have redeemed his liberty with writing three letters to the Pope, such as that was, or else he had been much to be blamed. But what is there in the letter? Is there any thing of the Grotian design? No, I warrant you. Observe how all his conjectural reasons make directly against himself. Perhaps the King calls the Pope "most Holy Father;" a great crime indeed, to make such a civil address, which the common use of the world hath made necessary. He who will converse with a friar in a Roman Catholic country, must do little less; and he that will write to the Great Turk must do more. Such compellations do not shew always what men are,

mer, vol. xvii. pp. 673—676), stipulate merely a full and entire freedom of religion for the Queen and her attendants; including however a provision, in its consequences full of evil, that the children of the proposed marriage should remain in the mother's care, in the first instance until they were 10, in the second until they were 13, years of age. Secret articles however were added in both cases (Rushw., vol. i. pp. 89, 169), stipulating in the first instance the attempt to repeal, and in the second the suspension of, the penal laws against Romanists. And it is pretended, further, that in the first instance Charles swore personally to other secret articles, of which one was that he should listen to the Queen's divines. See Rapin's Hist. of Engl., in ann.]

[s] [Ibid.—Gregory XV., when Charles was at Madrid in 1623, addressed a letter to him, doubtless with the view of opening a way to his conversion; to which Charles replied June 20. 1623. Both letters, in Latin and in English, are in Rushw., vol. i. pp. 78—82: and an English version of them (so called) was published by the Rebels in 1642, professedly from Du Chesne's Hist. d'Angleterre, d'Ecosse, et d'Irlande (2nd. edit. fol. Paris 1634), under the title of—"Behold Two Letters; the one written by the Pope to the (then) Prince of Wales, now King of England; the other, an Answer to the said letter by the said Prince, now his Majesty of England; printed in the year of Discoveries 1642." 4to. (reprinted in the Harleian Miscell., vol. vi. pp. 131—134). But the Parliamentarian version of Charles' letter differs materially from Rushworth's, its expressions being in the former ingeniously perverted throughout from compliment into concession. It is I suppose of the Parliament version that Clarendon speaks (in a letter to Secretary Nicholas, Jersey Feb. 12. 1646-7—Clarend. State Papers, vol. ii. p. 337, quoted in the Harl. Miscell.), where he says, that "the letter to the Pope by your favour is more than compliment; which I never saw before, and which may be a warning that nothing is to be done or said in that nice argument but what will bear the light." The remark certainly does not apply to Rushworth's version.]

but what they ought to be, or what they are or would be esteemed.

[His choice of agents in Church and State.]

Next he tells us of "the choice of agents for Church and State[t]." Very trifles. Kings must choose their agents according to the exigence of their affairs. But if the qualifications of agents did always demonstrate the resolutions of princes, I could more easily prove King Charles a Presbyterian, than he a Grotian, and bring more instances for myself. I am confident he cannot instance in any one agent for Church or State, that ever had his Grotian design; but I can instance in many who have had contrary and worse designs. I shall not stick to tell him with grief, that which hath been in a great part the cause of all our woes. In some Courts it hath been esteemed a singular policy to nourish two parties, upon pretence that the one might balance the other, and the one watch over the other. But it proveth too often true, that the one party is disgusted; and ordinarily the weaker and worser party doth countenance heterodox and seditious persons, to augment the number of their dependents, which evermore tendeth to manifest sedition. By this means the rents of the Church have been perpetuated and enlarged, and subjects have been debauched with destructive and seditious principles, the evil influence whereof we have felt to our cost.

[The Papal nuncios in England.]

He proceedeth to "the residence of the Pope's nuncios"
618 in England[u]. It may be during all the king's reign there were one nuncio and his proctor or deputy, or two nuncios at the most. And if we had never had them, it had been the better; not so much for any great hurt they did, but for that opportunity which his own peevish party got from thence, to raise jealousies and panic fears among the rabble. Unless he could have told something that the Pope's nuncio did in England tending to that end which he pretends, he might as well have instanced in the King of Morocco's ambassador[x], and said that he came over to convert us to be Turks. I thought he would have produced the Pope's Bull to his nuncio to reconcile us to Rome; or at least have discovered some secret cabal, or conferences between him and those Epi-

[t] [Treat. of Grot. Relig., sect. 73. p. 105.]

[u] [Ibid.—See above in the Answ. to La Millet., vol. i. p. 34. note q. Disc. i. Pt. i.]

[x] [An ambassador from the Emp. of Morocco came to England in 1625, to ask help against the Algerine pirates; see the Emperor's letter in Lancelot Addison's West Barbary, p. 9. Oxf. 1671.]

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scopal divines whom he accuseth. He knoweth well there was no such thing; and therefore it were much better to be silent, than to urge so many things, and to fail in every one of them.

[The Jesuits' College.]

His next instance is in the Jesuits' College[y], which had been much better omitted for his credit. Did the King found the college? No such thing. Was he a benefactor to it? Not that. Did he give the Jesuits a licence of mortmain, to purchase lands for themselves to that use? Not so much. What did he then? Did he know of the Jesuits and the college, and connive at them and it? O no. So soon as ever it was discovered, it was suppressed[z]. By the same equity he might accuse an innocent prince of all the crimes that are committed in hugger mugger throughout his kingdom, and make him head even of the Presbyterian rebellion.

[The alleged innovations in religion.]

The last of his odious instances hath less show of truth in it than any of the rest, how vain or empty soever they have been; that is, "the illegal innovations in worship so resolvedly *gradatim* introduced[a]." Perhaps he calls the execution of old laws "innovations," because they themselves had taken the boldness to disuse them. It were better to spare this charge, lest they get a round peal of their own "innovations" rung out in their ears. Theirs are "innovations" indeed.

[Mr. Baxter's malicious and idle suggestions.]

To conclude;—doth he think that such disloyal and uncharitable insinuations as these, are salved by pretending, that he hath not "the least desire to persuade men that he was a Papist[b];" or that he would not have other men to believe it? As if he should say, 'Here are violent presumptions indeed, that the King had Popish inclinations; yet my charity will not give me leave to believe it, other men may judge as they find cause;' when all he saith doth not weigh one grain in the scale of reason. Our case-divinity will hardly excuse this from downright calumny. But that is their only weapon, and their only strength and skill hath ever laid in idle and malicious suggestions.

[y] [Treat. of Grot. Relig., sect. 73. p. 105.]

[z] [A society of Jesuits, under the name of "Domus Probationis S. Ignatii," was discovered in Clerkenwell, and suppressed, in 1627: see Rushworth, vol. i. p. 474, and L'Estrange, Annals of the Reign of Charles I., p. 75.]

[a] [Treat. of Grot. Relig., sect. 73. p. 105.]

[b] [Ibid.]

CHAP. IV.

THIS PLOT WEAKLY FATHERED UPON EPISCOPAL DIVINES.

I MUSED somewhile, why he should rather father his imaginary design of reducing the Pope into England upon "Episcopal divines," than upon any other divines. For, in the first place, this is certain, that both Presbyterian divines, and Independent divines, and Millenary divines, and Anabaptistical divines, and each sort of their divines (if any of them may be allowed that title), have all of them, and every one of them, contributed more to the reducing of the Pope into England, than Episcopal divines ever did or were likely ever to do. Men do naturally prefer antiquity in religion before novelty, order and uniformity before confusion, comeliness and decency before sordid uncleanliness, reverence and devotion before profaneness and over-much sauciness and familiarity with God, Christian charity before unchristian censures, constancy before fickleness and frequent changes. They love monuments of piety, and delight not in seeing them defaced and demolished; they are for memorials of ancient truth, for an outward splendour of religion, for helps of mortification, for adjuments of devotion; all which our late innovators have quite taken away. Nature itself doth teach us, that God is to be adored with our bodies as well as with our spirits. What comfort can men have to go
619 to the Church, where they shall scarcely see one act of corporeal devotion done to God in their whole lives? These are the true reasons why the Roman emissaries do gain ground daily upon them, why so many apostate from them. If the Pope have a fairer game in England, he is beholden to them for it, not to the magistrate's sword, much less to Episcopal divines.

[Of all divines the Episcopal are most unlikely to re-introduce Popery.]

Some may perhaps urge, that this advantage is accidental to Episcopal divines; therefore I propose a second consideration,—that Episcopal divines cannot be the Pope's stalking horses, nor promoters of the Papacy, without deserting their principles about Episcopacy. Episcopal rights and Papal claims are inconsistent. This appeared evidently in the Council of Trent, in the debating of that great controversy [A.D.1562.]

[Episcopal principles inconsistent with Popery.]

PART II. about Episcopal right, whether it be Divine or human. Thus much the Spanish, Polonian, and Hungarian divines saw well enough; and consulting seriously about the reformation of the Church, they could find no better ground to build so noble a fabric upon than the Divine right of Bishops, as the Archbishop of Granata well observed[c].

Father Lainez the general of the Jesuits saw this well enough; and concluded, that it is "a mere contradiction to say the Pope is head of the Church and the government monarchical, and then say, that there is a power or jurisdiction" in the Church "not derived from him, but received from others," that is, from Christ[d].

Oct. 29. [1562.] The Pope's legates themselves found this out at last, when it was almost too late.—"When the question was set on foot in the beginning, the legates thought, that the aim was only to make great the authority of Bishops, and to give them more reputation. But before the second congregation was ended, they perceived, very late, by the voices given and reasons used, of what importance and consequence it was. For it did imply, that the keys were not given to St. Peter only, that the Council was above the Pope, and the Bishop equal to him, who had nothing left but a pre-eminence above others," &c. "The dignity of Cardinals was quite taken away" and the Papal Court "reduced to nothing[e]."

But before the Papalins discovered this, the party bent for a serious reformation was grown numerous and potent in the Council. The Divine right of Bishops was inserted into the anathematisms[f]. Fifty-nine of the prime Fathers voted for it, besides all those whom either an epidemical or a politic catarrh detained at home; notwithstanding all the dissuasions and persuasions, threatenings and promises, and other artifices used by the Papalins, whereof the chiefest, and that which saved the Court of Rome from utter ruin at that time, was to represent to the Italian Bishops, whose number was double to all the rest of the Christian world in that Council (a very unequal composition), how much they were concerned in the preservation of the Papacy, as being the only honour

[c] Hist. Concil. Trid., lib. vii. p. 588. [Brent's translat., ed. 1620.]
[d] Hist. Concil. Trid., ibid. [p. 612.]
[e] [Ibid.,] lib. vii. p. 609.
[f] [Ibid., p. 604.]

which the Italian nation had above all other nations[g]. This I urge to shew, that Episcopal divines cannot be Papalins without betraying their own principles. The very name of Episcopal divines renders this design less probable.

[Mr. Baxter of course anti-Episcopal.]

Thirdly, in styling them "Episcopal divines," he doth tacitly accuse himself to be an anti-Episcopal or at least no Episcopal divine. What odious consequences do flow from thence, and how contrary it is to the title of "Catholic," which he gives himself in the frontispiece of this treatise, I had much rather he should observe himself, than I collect. Catholic and anti-Episcopal are contradictory terms. From Christ's time till this day there was never any one "Catholic" in the Eastern, Southern, or Northern Churches, who professed himself to be anti-Episcopal, but only such as were cast out for heretics or schismatics. The same I say of the Western Church for the first fifteen hundred years. Let him shew me but one formed Church without a Bishop, or the name of one lay presbyter in all that time, who exercised or challenged ecclesiastical jurisdiction or the power of the keys in the Church, before Calvin's return to Geneva in the year 1538[h], after he had subscribed the Augustan Confession and Apology for Bishops[i], and I will give him leave to be as anti-Episcopal as he will. I will shew him the proper and particular names of Apostles, Evangelists, Bishops, Presbyters, Deacons, in Scriptures, in Councils, in Fathers, in histories; if he cannot name one particular lay-elder, it is because there never was any such thing *in rerum naturâ* for fifteen hundred years after Christ.

[No one Church without Bishops from the beginning until Calvin's time.]

620 I will add one thing more for the honour of Episcopal government,—that all the first reformers did approve it, and desired it, if they could have had it. Second reformations are commonly like metal upon metal, which is false heraldry.

[All the first reformers did approve and desire Episcopacy.]

After the Waldenses, the first reformers were the Bohemian Brethren; and both these were careful to retain Episcopacy. Take their own testimony in the preface of their book, called, *Ratio Disciplinæ Ordinisque Ecclesiastici in Unitate Fratrum Bohemorum*, lately translated out of Bohemian into Latin, and published by themselves:—"And whereas

[The Bohemians.]

[g] [Ibid., pp. 607, 608.]

[h] [Calvin came to Geneva 1536, was *banished* 1538, and returned 1541. Beza, in V. Calv.]

[i] [See above in Serpent-Salve, sect. 25. pp. 469, 482. notes u, t.]

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the said Waldenses did affirm, that they had lawful Bishops, and a lawful uninterrupted succession from the Apostles unto this day, they created three of our ministers Bishops solemnly, and conferred upon them power to ordain ministers[k]." From that time this order is continued in all their Churches until this day[l].

[The Lutherans.]

The next Reformers were the Lutherans. These retained Bishops, name and thing, in the kingdoms of Sweden[m] and Denmark[n], and the thing under another name of Superintendents in Germany[o]. The Confession of Saxony is subscribed by seventeen Superintendents[p]. The Suevic Confession complaineth of great wrong done to their Churches, as if they did seek to reduce the power of ecclesiastical prelates to nothing[q]; and in chap. 33, "Of the Rights of the Civil Magistrate," they declare most plainly for the ecclesiastical jurisdiction of Bishops[r]. There cannot be a more luculent testimony for the Lutherans' approbation of Bishops, than the Augustan Confession itself;—"It is not now sought, that the government be taken away from Bishops; but this one thing is desired, that they will suffer the Gospel to be purely taught, and release some few observances which cannot be kept without sin[s]." And the Apology for the same Confession;—"This our will shall excuse us both before God and all the world, that it may not be imputed to us that the authority of Bishops was taken away by our means[t]."

[The Britannic Churches.]

I need not say any thing of the Britannic Churches. He knoweth well they never wanted Bishops, from their first conversion until these late tumults, wherein our native country was purpled with the blood of English subjects, to take them away by force and rebellion.

[The Zuinglians.]

The next Reformation was the Zuinglian or Helvetian in Switzerland; wherein as they erected no new Bishoprics, so

[k] [Ratio Ord. et Disc. Frat. Boh., Preface, p. 2. ed. Comen. Amst. 1660; first published in 1632: and see the Hist. Eccles. Bohem., prefixed to the book, § 61; and Allix, Remarks upon the Ancient Church of Piedmont, c. xxiv. pp. 238—255. 4to. Lond. 1690.]

[l] [Ratio &c., ibid. pp. 19, &c.]

[m] [See above in Serpent-Salve, sect. 25. p. 480, note i.]

[n] [Ibid.]

[o] [Ibid.]

[p] Harm. Conf., sect. xix. p. 290. [ed. Genev. 1581. June 10, 1551.]

[q] [Ibid.,] sect. xi. p. 65. [in art. xiii. Confess. Suev., De Offic. Dignit. et Potest. Ecclesiast.]

[r] [Ibid., sect. xix. p. 293.—chapt. *twenty*-three.]

[s] Cap. vii. De Potest. Eccles. [in fine.]

[t] Cap. de Numero et Usu Sacramentorum. [See above in Serpent-Salve, sect. 25. p. 481. note l.]

they pulled down no old ones. There was a kind of necessity laid upon them to want Bishops in their own territories: because the Bishop of Constance, under whose jurisdiction they were, was of another communion, and lived out of their territories. But they would gladly have had him to have continued their Bishop still. They made their addresses to him, they courted him, they besought him to join with them, or but to tolerate them. For proof of this, I produce that famous letter written by Zuinglius himself, and ten others of their principal reformers, to the same Bishop of Constance, recorded in the works of Zuinglius; in all humility and observance beseeching him "to favour and help forward their beginnings, as an excellent work, and worthy of a Bishop[u]." They call him "Father—renowned Prelate—Bishop[x]." They implore his "clemency, wisdom, learning," that he would be "the first fruits of the German Bishops, to favour true Christianity springing up again[y]." They "beseech" him, "by the common Christ, by our Christian liberty, by that fatherly affection which he did owe unto them, by whatsoever was Divine and human, to look graciously upon them;" or "if he would not grant their desires, to connive at them;" so he should make his family yet more illustrious, and "have the perpetual tribute of their praises; so he would but shew himself a father," and "grant the requests of his obedient sons[z]." They conclude, "God Almighty long preserve your Excellency[a]."

[Calvin.]

The last Reformation of those which he approveth, was that of Calvin. How far Calvin and his party were Episcopal or anti-Episcopal in their desires, let their own testimonies bear witness. First, Calvin himself acknowledgeth, that he subscribed the Augustan Confession formerly mentioned, or the Apology for it, both which are for Bishops. And in his 190th Epistle, to the King of Polonia[b], he representeth Episcopal government as fittest for monarchies; where, having shewed the regiment of the Primitive Church by Patriarchs,

[u] ["Supplic. Quorund. apud Helv. Evangelistarum ad R. D. Hugonem Episcop. Constant., &c., July 2, 1552, ap. Zuingl., Op., fol. 121. a. Tigur. 1581. See above in this vol. pp. 147, 148; and 491, 492.]

[x] [Ibid., fol. 121. b.—122. a, 123. a.]

[y] [Ibid., fol. 121. b, 122. a.]

[z] [Ibid., fol. 123. a, b.]

[a] [Ibid., fol. 123. b.]

[b] [Ep. 190. ed. Lausann.,—in fin. tom. ix. pp. 86, 87. ed. Amst.—A. D. 1554.]

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Primates, Bishops, in these words,—"Indeed the ancient Church instituted Patriarchs, and gave certain Primacies to particular provinces, that Bishops might remain bound one 621
to another by this bond of concord,"—he proceedeth thus;—
—"As if at this day one Archbishop should be over the illustrious kingdom of Polonia," &c.; "and, further, there should be a Bishop in each city or province, to attend peculiarly to the preservation of order, as nature itself doth dictate to us, that in every college one ought to be chosen, upon whom the principal care of the college should rest." And in his Institutions[c], having described at large the regiment of the Primitive Church, and shewed the end of Archbishops, and the constitution of Patriarchs, he concludeth,—that "some called this kind of government an Hierarchy, by a name improper, or at least not used in the Scripture; but if we pass by the name and look upon the thing itself, we shall find that the ancient Bishops did go about to devise no other form of governing the Church, than that which God hath prescribed in His Word." And in his Exhortation touching the necessity of Reformation, to the Emperor, Princes, and States of the Empire, assembled at Spires, we find a most clear profession of his judgment in this cause[d];—"*Talem nobis hierarchiam*," &c.—"If they make tender of such an hierarchy to us, wherein Bishops may retain their eminence, so as they refuse not to be under Christ, and have their dependence upon Him as their only Head, and refer themselves to Him, and observe such a brotherly society among themselves, and be bound together with no other bond but the truth, then I confess, that they deserve all sorts of curses or anathemas, if there be any who do not observe it with reverence and the highest obedience."

Lay all these together:—if "the law of nature," which is Divine law, written in our hearts by God Himself, and needing

[c] Instit., lib. iv. c. 4. sect. 4. [Op. tom. ix. p. 286. a, b. ed. Amst.—See above in Serpent-Salve, sect. 25. pp. 482, 483; and in the Replic. to the Bp. of Chalced., c. i. sect. i. Disc. iii. Pt. i. in vol. ii. p. 63.]

[d] [Lib. de Necess. Reform. Eccl., Op. tom. viii. p. 60. ed. Amst. In the first edition of Bramhall's tract, in 1672 (it was written in 1659 or 60), this passage stands thus,—"And in his Answer to Cardinal Sadolet on behalf of the city of Geneva, as it is cited by Archbishop Bancroft" (viz. in his Dangerous Positions, bk. i. c. ii. p. 8, and elsewhere repeatedly), "for I cannot procure the first edition at present, and in the later editions they have made a shift to purge it out."—The editor of the folio edition of Bramhall seems to have corrected the reference;—from whom the text is given as it stands above. And see also Serpent-Salve, sect. 25, above p. 483, note z.]

no other promulgation, do "dictate that in every society there ought to be one upon whom the principal care of the society should rest;" if "the ancient Bishops devised no other form of governing the Church by Patriarchs, Archbishops, Bishops, than that which God had prescribed in His Word;" if "they deserve the severest curses and anathemas, who shall not regard such an hierarchy with reverence and obedience, where Christ is acknowledged to be the only Head of His Church," where the pastors are freed from all oaths and obligations to the Bishop of Rome; let him be his own judge what they deserve, who have destroyed the Church of England.

[Farellus.] Before Calvin, Farellus offered the Bishop of Geneva terms to retain his Bishopric, if he would give way to the Reformation[e]. Beza, his successor, was not for the Divine right of Bishops in express terms by the Evangelical law; but he was for the precedency of one clergyman above the rest by the law of nature[f].

[French Reformed divines.] [Moulin.] From Geneva let us pass over into France, where we find Monsieur Moulin as high or higher than any of them, in his third Epistle to the Bishop of Winchester;—"I am not so brazen-faced as to give sentence against those lights of the ancient Church, Ignatius, Polycarpus, Cyprian, Augustin, Chrysostom, Basil, the two Gregories, Nissen [and] Nazianzen, Bishops, as against men wrongfully created, or as usurpers of an unlawful office; the venerable antiquity of those primitive ages shall always weigh more with me than any man's new-fangled institution[g]." And a little after, in the same Epistle;—"I spake with honour of the Bishops of England; I derived the Episcopal dignity from the very cradle of the Church; I condemned Aerius; I affirmed that St. James was Bishop of Hierusalem, from whom the succession of the Bishops of that city was derived by a long row of Bishops[h]."

[Blondel.] Mr. Blondel, in his needless Apology for St. Hierome, made a very necessary apology for himself, and sent it to Mr. Rivet to be added as an Appendix to his book in the impression of it, by whose neglect it was omitted[i]. And now having men-

[e] [See Bancroft, Survey, c. ii. p. 12; on the authority of Calvin's Answ. to Sadolet.]

[f] [See above in Serpent-Salve, sect. 25, pp. 486—489.]

[g] [Epist. III. Petri Molinæi ad Episc. Winton. (scil. Andrewes), in Andrewes' Opuscula, p. 180. ed. 1629.]

[h] [Ibid., p. 184.]

[i] [Blondel's Apol. pro Sentent. Hieron. de Episc. et Presbyt., was published at Amsterdam in 1646. The above

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tioned Doctor Rivet, I shall make bold to add, that he himself did intreat a noble Earl, yet living, to procure him a dignity or prebend in England, as his brothers Moulin and Vossius had. The Earl answered, that he could not hold any such place in England without subscribing to Episcopacy, and the doctrine and discipline of the English Church. And he replied, that he was most ready to subscribe to them both with his hand and heart.

I conclude, that all divines throughout the Christian world, who maintain a necessity of Holy Orders, ever were and still are Episcopal divines[j]; except some weaker and wilful brethren, who for their antiquity are but of yesterday, and for their universality come much short of the very Donatists 622 in Afric, condemned by all moderate and rational persons of their own communion. And therefore Mr. Baxter might have done better to have given his pretended designers a lower and more distinctive name than that of "Episcopal divines."

[Mr. Baxter's idle distinction between old and new Episcopal divines.]

It will not help him at all which he saith, page 21:—"It is not all Episcopal divines which I suspected of a compliance with Grotius and Cassander; no, not all of the later strain," &c.; "I extended it to none of the new Episcopal party, but

anecdote relating to it, rests also on the authority of a letter of P. du Moulin the younger, printed in Durell's View of Gov. of Ref. Churches beyond the Seas, Append. pp. 339, 340, Lond. 1662; stating, that "in the year 1651, my lord Primate Ussher told me, that the learned Mr. David Blondel had concluded his Apol. pro Hieron. with words to this purpose;—'By all that we have said to assert the rights of the presbytery, we do not intend to invalidate the ancient and Apostolical constitution of Episcopal pre-eminence; but we believe, that wheresoever it is established conformably to the ancient canons, it must be carefully preserved, and wheresoever by some heat or contention or otherwise it hath been put down or violated, it ought to be reverently restored';—the good primate told me, that whereas the book had been written at the earnest request of the Assembly of Westminster, of the Scots especially, who had their agents and leaguers in Paris to strengthen their party by misinforming the Protestants of France and winning them to their side, when these agents saw this conclusion of Mr. Blondel's MS., they expostulated with him very loud, . . and prevailed with him to put out that conclusion;" and that this is further confirmed by David Blondel's own acknowledgment, in a letter to his brother John, who had written to David at Du Moulin's request to ascertain its truth. The anecdote of Rivet, which follows in the text, appears to rest upon Bramhall's sole authority.]

[j] [Compare also the sentiments of Melancthon and other Germans (for which see Bancr., Surv., c. viii. pp. 111, 116), of Amyraut and other French divines (in Durell's work quoted in the last note, and Vindic. Eccl. Angl. c. 34), and of at least a portion of the Synod of Dort (see Collier, Ch. Hist., vol. ii. p. 718, from Bp. Carleton's Protestation,—and Hall's Episcop. by Divine Right, Pt. i. § 4. pp. 15, 16. 4to. Lond. 1640), expressive of approbation of Episcopacy, and regret for the want of it. A negotiation also on the part of the Prussians for obtaining Episcopal succession, carried on through Abp. Sharpe of York so late as 1710-1712, is mentioned by Archdeacon Sinclair from Sharpe's Life by his Son (vol. i. pp. 425-429, and Append. II., pp. 167. 215, as edited by Mr. Newcome of Shenley. Lond. 1825).]

such as I there described[k]." His distinction of Episcopal divines into "old" and "new," is but a chimera of his own brain, without any ground; neither doth he bring one grain of reason to make it good. And by his plain confession here, it appeareth that this great design is but his own 'suspicion.' To accuse men of a design to introduce the Pope into England, merely upon suspicion, is a liberty, or rather licence, to be abhorred of all conscionable Christians.

Yet of the old Episcopal divines he nameth many,— "Bishop Jewel, Pilkinton, Hall, Carlton, Davenant, Morton, Abbot, Ussher, Potter, Downham, Grindal, Parker, Hooper, Farrar, Cranmer, Latimer, Ridley, and forty more Bishops here[l];" as if so many names blended together confusedly in a heap as a hotchpotch, were able like a Medusa's head to transform reasonable men into stocks and stones. If he had made his forty up a hundred, he might have found instances enough to have made it good, and sundry of them no way inferior to any whom he nameth, and superior to many. In commemorating some, and pretermitting others, he sheweth sometimes want of judgment, always respect of persons. What his description was of "new Episcopal divines," I do not know, having never seen any treatise of his but this of the Grotian Religion (neither should I have meddled with that if he had not brought me publicly upon the stage), neither do I much regard. But howsoever he describeth them, he instanceth in no man but myself[m]; either because he is not able to name any, or because he thinks it easiest to leap over the hedge where it is lowest. Have I not great reason to thank him for being so mindful of me in my absence?

As for my part, I profess ingenuously before God and man, I never knew of any such design; I am confident there never was any such design; and I am certain that I neither had nor could have a hand in any such design, either for Italian Popery, or French Popery[n], or any Popery; unless he call the doctrine and discipline of the Primitive Church Popery, unless our Holy Orders and Liturgy and Articles be Popery. Other Popery he shall never be able to prove against me, nor I hope against any true Episcopal divines. His design,

[k] [Treat. of Grot. Relig., sect. 12. p. 21.]

[l] [Ibid., sect. 72.] p. 103.

[m] [Ibid., sect. 12. pp. 21, &c.]

[n] [See Baxter's treatise, sect. 4. pp. 9, 10.]

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like the Phœnix, is much talked of by himself, but never was seen.

I know as little of any such distinction between "old" and "new Episcopal divines." All the world seeth evidently, that all the material differences which we have with them, are about those Holy Orders, and that Liturgy, and those Articles, and those rites, which we received from those old Episcopal divines.

"Non tellus cimbam, tellurem cimba reliquit."—

We have not left our predecessors; but they have left both us and our predecessors, and the Church of England. And it fareth with Mr. Baxter as it doth with new sailors, who, by the deception of their sight, suppose that the land leaveth them,—"*terræque urbesque recedunt*[a]"—when in truth it is they themselves that leave the land. In a word, his supposed design and his pretended distinction are mere fancies, which never had any being in the nature of things. Where did these designers ever meet together to contrive their plot? They are never likely to do any great actions, who want sinews to knit them together. When or where had ever any of them any intercourse or correspondence with Rome, or any that belonged to Rome, by word or writing? It was a senseless, silly plot to design the introduction of the Pope into England without his own knowledge or consent, upon terms never accorded, never so much as treated upon. Thus have we seen melancholic persons, out of a strong fantasy, imagine that they see ships and minotaurs in the clouds. The proofs of such accusations as this is, ought to have been clearer 623
than the noon-day light, not ungrounded or ill-grounded jealousies and suspicions of credulous and partial persons.

CHAP. V.

THIS PLOT WAS AS WEAKLY FATHERED UPON THE BISHOP OF DERRY.

[Of all Episcopal divines the author most unlikely to reintroduce Popery.]

And as he erred in fathering his imaginary plot upon Episcopal divines in general, so he made an ill choice of me, the meanest of those Episcopal divines, for his only instance; who have only read so much of Grotius, as to enable me to judge that Mr. Baxter doth him wrong, I hope unwittingly. If ever I should attempt the reconciling of controversies

[a] Virg., Æn., iii. 72.

among Christians, it must be in another way than Grotius taketh, I mean more scholastical.

I will confess that freely, which Mr. Baxter neither doth know, nor ever could know but by me, that about thirty years since, when my body was stronger, and my wits fresher, when I had some books and notes of my own, and could have had what supply soever I desired, and opportunity to confer with whomsoever I pleased [p], I had then a design indeed to do my weak endeavour to disabuse the Christian world, by the right stating and distinguishing of controversies between the Church of Rome and us; and to shew,—

First, how many of them are mere logomachies, or contentions about words without any just ground.

Secondly, how many of them are scholastical subtleties, whereof ordinary Christians are not capable, and consequently no points of faith.

Thirdly, how many of them are not the controversies of the Churches, but of particular persons or parties in those Churches, as well Protestants against Protestants, and Roman Catholics against Roman Catholics, as Protestants against Roman Catholics. Those controversies which each Church doth tolerate within itself, ought not to be any cause of schism between the Churches.

Fourthly, how many of our controversies are about rites and ceremonies, and things indifferent in their own nature, in the use of which every particular Church under the universal Church hath free liberty in itself, and dominion over its own sons.

When all these empty names and titles of controversies are wiped out of the roll, the true controversies between us may be quickly mustered, and will not be found, upon a serious enquiry, to be either so exclusive of salvation to those who err invincibly and hold the truth implicitly in the preparation of their minds, nor altogether so irreconcileable, as some persons have imagined. The two dangerous extremes are, to clip away something from saving truth, whereof I do not find the Church of Rome to have been guilty, and to obtrude erroneous or (at the best) probable opinions for Articles of Faith, whereof I find many in the Church of Rome to have been most guilty.

[p] [The present tract was written in 1659, when Bramhall was an exile in Holland; see Just Vindic. c. x. in vol. i. p. 276, Disc. ii. Pt. i.; and the Life of Bramhall in the same volume, pp. xi. and xxxi.; and below pp. 540, 577.]

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Next to these are the practical abuses of the Court of Rome. These were my thoughts in my younger days, which age and experience hath rather confirmed and radicated in me, than altered; which if they had been known, I deserved rather to have been cherished and encouraged, than to be branded by any man as a factor for the Pope.

[His successful labours against Popish errors.]

[A.D. 1620]

Truly Mr. Baxter could hardly have fixed upon a subject more improper for such a charge. When I was commanded to preach to our northern synod, where every one designed to discharge that duty chooseth some controversy between the Church of Rome and us, my subject was the Pope's unlawful usurpation of jurisdiction over the Britannic Churches[q]. When

[A.D. 1630]

I disputed in Cambridge for the degree of Doctor, my thesis was taken out of Nilus,—that the Papacy (as it was challenged and usurped in many places, and as it had been sometimes usurped in our native country) was either the procreant or conservant cause, or both procreant and conservant cause, of all the greater ecclesiastical controversies in the Christian

[A.D. 1623]

world[r]. When our late King Charles (of blessed memory) was in Spain, and religion in England seemed to our country 624
people (though without any ground) to be placed in *æquilibrio*, or reduced to a measuring cast, I adventured, with more zeal than discretion, to give two of their Roman champions in our northern parts, Mr. Hungate a Jesuit, and Mr. Houghton a secular Priest, one after another, two meetings at North Allerton, and came off without any dishonour to the Church of England, and stopped the career of the Romish emissaries

[A.D. 1648]

at that time in those parts[s]. When I was last in Ireland, and the Romanists had wrested some part of the power of the sword into their hands, they prosecuted no English Protestant more than myself, and never left until they had thrust me out of the kingdom, as conceiving me to be a great impediment to them in their making of proselytes[t]. It was but

[A.D. 1644—1659.]

an ill requital, if I had been one of their factors. Since I came into exile these sixteen years, where have my weak endeavours ever been wanting to the Church of England? Who hath had more disputes with their seculars and regulars of all sorts, French, Italian, Dutch, English, in word, in writ-

[q] [See the Life of Bramhall, above in vol. i. p. xvii. note l.]

[r] [See the same Life, ibid. note i.]

[s] [Ibid., p. xvi. note C.]

[t] [Ibid., pp. ix., x., and xxii. notes N, O.]

ing, to maintain the honour of the English Church[u]? And after all this am I traduced as a factor for Popery, because I am not a "Protestant out of my wits[x]?" or because my assertions of known truth are not agreeable to the gust of innovators? "Blessed are we when men revile us and persecute us, and say all manner of evil against us falsely for Christ's sake, for great is our reward in Heaven." [Matt. v. 11.]

[The true method and rule of reconciliation.]

But doth he think in earnest, that my way of reconciliation is the ready way to introduce the Papal tyranny into England? Nay; directly on the contrary; it is the ready way to exclude the Papal tyranny out of England for ever; and to acquit us for evermore from all the extortions and usurpations of the Roman Court, and to free us from all their emissaries; who now make a prey of such as are unsettled among us by the means of doubtful, and (give me leave to speak my mind freely) impertinent, disputations. And this I am ready to make good against any innovator of either side who shall oppose it.

This is hard measure to be offered to me, from him who professeth himself to be so great a "lover" of "the unity of the Church[y];" which is but his duty if it be true, as I hope it is. But let him take heed, that his love of unity prove not to be self-love, which insinuateth itself strangely into the most holy actions and designs. All men could be contented to have others united to themselves, and to chop off or stretch out the religion of their brethren, as Procrustes did his guests, according to the measure of his own bed[z]. I doubt not but he would be well pleased to have Independency stretched up to an ordained "ministry[a]" (as he calleth it), and Episcopacy let down to a presbyterian parity; or rather to an empty show of equality; for I never yet observed but one or two single popular presbyters ruled the whole consistory, and had more absolute arbitrary power than ever any Bishop pretended unto. If this be all his love and desire of unity, to have antiquity, universality, and the perpetual

[u] [Ibid., p. xi. And see above in the Consecrat. and Success. of Prot. Bps. justified, c. i. p. 23, Disc. v. Pt. i.; and below in vol. v. Discourses vi. and vii. Pt. iv.]

[x] [An expression of "one M. Butler of Cambridge," mentioned in the Hampton Court Conference, in reference to the Puritans. See Barlow's Account, p. 37. ed. 1604.]

[y] [Treat. of Grot. Relig., sect. 3.] p. 6.

[z] [Hygin., Fab. 38.]

[a] [Treat. of Grot. Relig., sect. 72. p. 102.]

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regiment of the Church, to be levelled and moduled according to private fantasies, it is mere self-love, no love of unity. But I hope better, though I fear worse.

If he dare refer all differences between us to be tried by the public standard, we should quickly see whether he or I follow peace and unity with swifter paces. I offer him two standards to be tried by.

First, the doctrine of the Church of England, set down by those old Episcopal divines, whom he pretendeth to be more propitious to him than to me[b]. If he submit to this standard, all differences between him and me are at an end. And then to what purpose hath so much plundering and so much effusion of Christian blood been? unless it be to shake the dregs to the top of the urinal.

But if he like not this standard (as I much fear he will not), I offer him another; that is, the pattern of the Primitive Church, both for doctrine and discipline.

But it may be he will dislike this more, and when all is done, admit no standard but the Scripture. I am ready to join with him in this also. But if he and I differ about the sense of the Scripture (all men acknowledge, that the Scripture consisteth not in the words but in the sense), how shall we be tried what is the sense? By the judgment of the Church of England, that is, the standard of the place? or by the pattern 625
of the Primitive Church, that is, the original standard according to which the local standard was made? If he refuse both these, let him not say that he will be tried by the Scripture, but he will be tried by himself; that is to say, he himself will and can judge better what is the true sense of the Scripture, than either his national Church, or the primitive and universal Church. This is just as if a man, who brings his commodities to a market to be sold, should refuse to have them weighed or measured by any standard local or original, and desire to be tried by the law of the land, according to the judgment of the by-standers; not that the law of the land is any thing more favourable to him than the standard, but only to decline a present sentence, and out of hope to advantage himself by the simplicity of his judges.

[b] [Ibid., sect. 72. p. 103.]

Yet Mr. Baxter acquits me, that I am "no Papist" in his judgment, though he "dare not follow" me[c]. Whatsoever I am, this is sure enough, he hath no authority to be my judge, or to publish his ill-grounded jealousies and suspicions to the world in print to my prejudice. Although he did condemn me, yet I praise God my conscience doth acquit me, and I am able to vindicate myself. But if he "take" me to be "no Papist," why doth he make me to be one of the Pope's factors or stalking horses, and to have an express design to introduce him into England? He himself, and a hundred more of his confraternity, are more likely to turn the Pope's factors than I am. I have given good proof, that I am no "reed shaken with the wind." My conscience would not give me leave to serve the times, as many others did. "They have had their reward."

Discourse III.

[Mr. Baxter acknowledgeth the author to be no Papist.]

[Matt. xi. 7, &c.]

[Matt. vi. 2, &c.]

He bringeth four reasons in favour of me, why he "taketh" me to be no "Papist." I could add four-score reasons more if it were needful.

First, because I "disown the fellowship" of "that party more than Grotius did[d]." It is well that he will give me leave to know mine own heart better than himself.

Secondly, because I "give them no more than some reconcileable members of the Greek Church would give them[e]." And why "some" members? I know no members of the Greek Church that give them either more or less than I do[f]. But my ground is not the authority of the Greek Church, but the authority of the Primitive Fathers, and General Councils, which are the representative body of the universal Church.

Thirdly, because I "disown the Council of Trent, and their last four hundred years' determinations[g]." Is not this enough in his judgment to acquit me from all suspicion of Popery? Erroneous opinions, whilst they are not publicly determined, nor a necessity of compliance imposed upon other men, are no necessary causes of schism. To "wave their last four hundred

[c] [Ibid., sect. 12.] p. 22. [and again sect. 13. p. 23.]

[d] [Ibid., sect. 13.] p. 23.

[e] [Ibid.]

[f] [See above in Schism Guarded, sect. 10, in vol. ii. pp. 632—634; and in the Replic. to the Bp. of Chalced., c. ix. sect. 3. ibid. pp. 265, 266: Discourses iv. and iii. Pt. i.]

[g] [Treat. of Grot. Relig., sect. 13. p. 23.]

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His last reason why he forbeareth to censure me as a Papist, is my "two knocking arguments[k]" (as he styleth them) against the Papal Church. But if he had weighed those two arguments as he ought, he should have forborne to censure me as he doth, for one that had a design to reconcile the Church of England to the Pope. But I will help Mr. 626
Baxter to understand my meaning better. I meddle not with the reconciliation of opinions in any place by him cited, but only with the reconciliation of persons,—that Christians might join together in the same public devotions and service

[h] [Ibid., sect. 14. p. 25.]
[i] [Above in vol. i. p. 80; Disc. i. Pt. i.]
[j] [Treat. of Grot. Relig., sect. 14.] p. 28.
[k] [Ibid., sect. 13. p. 23:—from the Answ. to La Millet., above in vol. i. pp. 72, 73.]

of Christ. And the terms which I proposed were not these, nor positively defined or determined, but only represented by way of query to all moderate Christians, in the conclusion of my Just Vindication, in these words;—"I determine nothing, but only crave leave to propose a question to all moderate Christians, who love the peace of the Church, and long for the reunion thereof; in the first place, if the Bishop of Rome were reduced from his universality of sovereign jurisdiction *jure Divino* to his '*principium unitatis*,' and his Court regulated by the canons of the Fathers, which was the sense of the Councils of Constance and Basle, and is desired by many Roman Catholics as well as me; secondly, if the Creed or necessary points of faith were reduced to what they were in the time of the four first œcumenical Councils, according to the decree of the third general Council (who dare say that the faith of the primitive Fathers was insufficient?), admitting no additional articles but only necessary explications, and those to be made by the authority of a general Council, or one so general as can be convocated; and, lastly, supposing that some things, from whence offences have either been given or taken (which, whether right or wrong, do not weigh half so much as the unity of Christians), were put out of the Divine offices, which would not be refused if animosities were taken away and charity restored;—I say, in case these three things were accorded, which seem very reasonable demands, whether Christians might not live in a holy communion, and join in the same public worship of God, free from all schismatical separation of themselves one from another, notwithstanding diversities of opinions, which prevail even among the members of the same particular Churches, both with them and us[1]."

Yet now, though I cannot grant it, yet I am willing to suppose, that I intended not only a reconciliation of men's minds but of their opinions also, and that those conditions which he mentioned had been my only terms of peace and concord; let us see what exceptions Mr. Baxter is able to bring against them.

[1] [Just Vindic., c. x.; above in vol. i. p. 279. Disc. ii. Pt. i.]

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CHAP. VI.

MR. BAXTER'S EXCEPTIONS ANSWERED.

[Of the author's terms of union between the Churches of Rome and England.]

He saith, he "cannot consent that these which" I "grant should be made the terms of union[m]." What then? Suppose I did name improper terms of pacification, not only in Mr. Baxter's judgment, which I ought not altogether to depend upon, but in very deed; is there no remedy but I needs must be the Pope's stalking horse presently, and have a design to reconcile England to him? This is over severe. My design is rather to reconcile the Pope and his party to the Church of England, than the Church of England to the Pope. He may make use of my way if it like him. Much good may it do him. If not, he ought to thank me for my good will, and propose a better expedient himself, if he can. But I must tell him beforehand, that if it be a general one, like those which he hath hitherto proposed, it will signify nothing. Observe, reader, how he is every way mistaken; I make demands, and he calls them "grants[n]" or "concessions[o];" I propose some terms as preparatory to a treaty, and he calls them "terms of peace[p]." He saith, he "cannot consent" to these "terms," and yet he hath consented to them already;—that if they would "reform what the Bishop requires them to reform, it will undoubtedly make way for nearer concord." To make them adequate terms, or conclusive articles of peace, was never any part of my meaning.

[His Answer to La Milletière.]

All the exceptions which he bringeth against my way, are taken out of my Answer to Monsieur Milletière. I have seen some silly exceptions against it from a Jesuit, and have answered them, but he is the first Protestant that I have met with who doth disapprove it. If the efficacy or influence of it upon him be different from what it is upon others, I cannot help it. Books have their success according to the prejudice or qualifications of their readers. On this side the seas it hath been more happy, to confirm many, to convert some (and 627
particularly, the transcriber of the copy which was brought to

[m] [Treat. of Grot. Relig., sect. 14.] p. 25.
[n] [Ibid.]
[o] [Ibid., sect. 12. p. 23.]
[p] [Ibid., p. 22.]

the press[q], who was then one of their proselytes), to irritate no man but the common adversaries, who vented their spleen against it weekly in their pulpits, as thinking that the easiest way of confutation. Thus one sucks honey and another poison out of the same flower. He pretendeth, that the "old Episcopal divines" are of his party: some of them have approved it, and thanked me for it. If they be not of his party, I hope he will not suspect them at Geneva as factors for Popery. They have allowed it, and translated it into French, and printed it[r], without any fear of introducing Popery into their city by it. God forbid that we should esteem the practice of the primitive times to be Popish. They who admit that for a conclusion, need not wonder if the more rational persons turn apostates. But it has ever been the trade of this proud and envious race of men to fasten a hated name upon every thing they understand not. And it is to be feared this great divine may in time write a book to prove Greek to be the language of the beast; and he may as reasonably do it, as charge me with Popery, only because I pretend to more knowledge in antiquity than he knows himself to be guilty of.

[Mr. Baxter's first exception to his terms of union.]

His first particular exception is this;—"If, when he excludeth universality of jurisdiction by Christ's institution, he intend to grant them (which yet I know not) an universality of jurisdiction by human institution [or] agreement, then it would be but to set up a human Popery instead of a pretended Divine; but this I charge not on him as his judgment, though some will think it intimated[s].

[The Papacy neither by Divine nor by human right.]

If he do not charge it on me, then why doth he publish his own or other men's thoughts in print to my disadvantage? I know not how to acquit the printing of groundless jealousies and suspicions of innocent persons from downright calumny. Especially suspicions of such things which the persons suspected had publicly disclaimed in print, long before any such suspicion was broached. These are my very words in my Replication to the Bishop of Chalcedon,—"It were a hard condition to put me to prove against my conscience, that the

[q] [See the Life of Bramhall in vol. i. p. xxvi.]

[r] [See Bramhall's Life, ibid.]

[s] [Treat. of Grot. Relig., sect. 14.] p. 25.

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universal regency of the Pope is of human right, who do absolutely deny both his Divine right and human right[t];"— and in my Schism Guarded,—"I have made it evident, that the Pope's authority which he did sometime exercise in England before the Reformation, when they permitted him, and which he would have exercised always *de futuro*, if he could have had his own will, was a mere usurpation and innovation[u]." If I deny both the Pope's Divine right and human right to sovereign jurisdiction, and regulate his powers by the canons of the Church, if I make the Papacy a mere usurpation and innovation, he hath no need to fear my setting up of a human Popery, but I have just cause to require reparation of him. So his first exception is a false groundless suspicion.

[Great difference between the two.]

But doth he make no difference indeed between a Divine Papacy and a human Papacy? So it seemeth by his words. If the Pope do hold a sovereign power in the Church by Divine institution, then whatsoever he doth, though he draw millions of souls to hell after him, yet it is not in the power of a general Council to call him to an account, or to depose him, or to reform him. But if his right be only human, all this may justly be done, and hath been done. If he have a sovereignty by Divine right, he may give his *non obstante's* to the canons of the Fathers at his pleasure; then all power in the Church is derived from him: but if he hold the Papacy not from Heaven but from men, then other Bishops do not derive their power from him singly, but he from them jointly; then he is stinted and limited by their canons, and cannot dispense with them, further than the Church is pleased to confer a dispensative power upon him, within the bounds of his own Patriarchate. Against Divine right there is no prescription, but against human right men may lawfully challenge their ancient liberties and immunities by prescription. A Papacy by Divine right is unchangeable, but a Papacy by human right is alterable, both for person and place and power. So a human Papacy, if it grow burdensome, is remediable; but a pretended Divine Papacy, when and where

[t] p. 249. [edit. of 1656; above in vol. ii. p. 191. c. vi. sect. 1. Disc. iii. Pt. i.]

[u] p. 15. [edit. of 1658; above in vol. ii. p. 365, Introd., Disc. iv. Pt. i.]

and whilst it is acknowledged, is irremediable. So much a pretended Divine Papacy is worse than a human.

[Mr. Baxter's second exception.]

His second exception follows,—"But that St. Peter hath a certain fixed chair, to which a primacy of order is annexed, 628 and a headship of unity, is not a truth, and therefore not a principle necessary to heal the Church[y]."

Whether it be a truth or no, is not much material. We have no controversy with the Church of Rome about a primacy of order, but about a supremacy of power. I shall declare my sense in four conclusions.

[St. Peter Bishop of Antioch before he was Bishop of Rome.]

First, that St. Peter had a fixed chair at Antioch, and after that at Rome, is a truth, which no man, who giveth any credit to the ancient Fathers and Councils and historiographers of the Church, can either deny or well doubt of[x].

[St. Peter had a primacy of order among the Apostles.]

Secondly, that St. Peter had a primacy of order among the Apostles, is the unanimous voice of the primitive Church, not to be contradicted by me, which the Church of England, and those old Episcopal divines, whom he pretendeth to honour so much, did never oppose.—The learned Bishop of Winchester acknowledgeth as much, not only in his own name, but in the name of the Church and King of England, both King and Church knowing it and approving it;—"Neither is it questioned among us, whether St. Peter had a primacy, but what that primacy was, and whether it were such an one as the Pope doth now challenge to himself, and you challenge to the Pope; but the King doth not deny Peter to have been the prime and prince of the Apostles[y]." He who should trouble himself and others to oppugn such a received innocent truth, seemeth to me to have more leisure than judgment. But, on the other side, it is as undoubtedly true, and confessed by the prime Romanists themselves, that St. Peter had no supremacy or superiority of power and single jurisdiction over any other Apostle. To this purpose I have laid down these four grounds in my book of Schism Guarded.—"First, that each Apostle had the same power by virtue of Christ's commission. . . Secondly, that St. Peter never exercised a single jurisdiction over the rest of the

[y] [Treat. of Grot. Relig., sect. 14. p. 25.]

[x] [See the Replic. to the Bp. of Chalced., c. v. Sect. 3. in vol. ii. pp. 160—166; Disc. iii. Pt. i.]

[y] Resp. ad Apol. Bellarmin., cap. i. [p. 14. ed. 1610.]

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Apostles. . . Thirdly, that St. Peter had not his commission granted to him and his successors as any ordinary pastor, and the rest of the Apostles as delegates for term of life. . . Fourthly, that during the history of the Acts of the Apostles, the sovereignty of ecclesiastical jurisdiction rested not in any single Apostle, but in the Apostolical College[z]." Hitherto there is no cause of controversy between him and me, or between any persons of judgment and ingenuity.

[Some Fathers fix this primacy to the chair of St. Peter and his successors for ever.]

My third assertion is, that some Fathers and Schoolmen, who were no sworn vassals to the Roman Bishop, do affirm, that this primacy of order is fixed to the chair of St. Peter and his successors for ever. As, for instance, Gerson, for a Schoolman; that learned Chancellor of Paris, who sided with the Council against the Pope, and left his enmity to the innovations of the Court of Rome as an hereditary legacy to the School of Sorbonne;—"*Auferibilis non est usque ad consummationem sæculi vicarius sponsus Ecclesiæ*"—"The vicarial spouse of the Church" (this was the language of that age, whereby he meaneth not the person of any particular Pope, but the office of the Papacy) "ought not to be taken away until the end of the world[a]." And among the Fathers I instance in St. Cyprian, whose public opposition to Pope Stephen is well known[b], who seemeth not to dissent from it: in his Epistle to Antonianus he calls the see of Rome "the place and chair of Peter[c];" and in his 55th Epistle to Cornelius,—"They dare sail and carry letters from schismatical and profane persons to the chair of Peter, and the principal Church from whence sacerdotal unity did spring[d];" and in his *De Unitate Ecclesiæ*,—"Although He gave equal power to all His Apostles after His resurrection" &c., "yet to manifest an unity He constituted one chair, and by His own authority disposed the original of that unity beginning from one[e];" and a little after,—"The primacy is given to Peter, to demonstrate one Church of Christ and one chair[f]." Every one is free for me, to take what exceptions he

[z] p. 27. [edit. of 1658; sect. i. c. 1; vol. ii. pp. 372, 373.]

[a] [Lib. de Auferib. Papæ, Consid. xx.; Op. P. i. fol. 36. b.]

[b] [See the Answ. to La Millet., above in vol. i. p. 61, note t.]

[c] Epist. 52. [ed. Pamel.;—55. p. 104. ed. Fell.]

[d] [Epist. 55. ed. Pamel.;—59. pp. 135, 136. ed. Fell.]

[e] [Op. p. 108. ed. Fell.]

[f] [Ibid.]

pleaseth to the various lections of any of these places, or to interpret the words as he pleaseth[g]. Always there seemeth to be enough to me in St. Cyprian to declare his own mind, without taking any advantage from any supposititious passages. Whether it be a truth or an error, it concerneth not me; I am sure it is none of mine error, if it be one, who neither maintain nor grant such a primacy of order to be due to the chair of St. Peter and his successors by the institution of Christ, but only dispute upon suppositions, that although there were such a beginning of unity (which Calvin[h] and Beza[i] require in all societies by the law of nature), and although the Bishop of Rome had such a primacy of order, either by Divine right or human right, yet it would not prejudice us, nor advantage them at all. Neither in truth is
629 it worth contending about, or to be balanced with the peace of the Church, and of the Christian world. They who undervalue the Fathers, may style their sayings untruths when they please. I have weighed my grounds over seriously to stumble at a straw.

[Yet this chair of St. Peter not fixed to Rome.]

My fourth and last conclusion is, that supposing still, but not granting, that any such primacy of order or beginning of unity (about which we have no controversy) was due to the chair of St. Peter by Divine right, or much rather by human right, yet this supposed chair of St. Peter is not fixed to Rome. As for Divine right, we have the plain confession of Bellarmine,—it is not to be found "either in Scripture or tradition, that the Apostolic See is so fixed to Rome that it cannot be removed[k]." And for human right, there needeth no proof. For whatsoever is constituted by human right, may be repealed by human right. This is my constant way everywhere. I do altogether deny a supremacy of power and jurisdiction over us in the exterior court, which only is in controversy between us and the Pope; and whatsoever jurisdiction he hath elsewhere, I regulate by the canons of the Fathers. I suppose a primacy of order, but grant it not further than it hath been granted by the canons of the Catholic Church; and as it was acquired by human right,

[g] [See the notes to Fell's edition.]

[h] [See above p. 534, note b; and in Serpent-Salve, pp. 486—489. Disc. ii. Pt. ii.]

[i] [See Serpent-Salve, as quoted in the last note.]

[k] Bellarm., De Roman. Pontif., lib. iv. c. 4. [Op. tom. i. p. 962. B.]

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so it may be taken away by human right. To confound a primacy of order with a supremacy of power, Divine right with human right, a legislative power with an executive power, is proper to blunderers. So in his first two exceptions I suffer two palpable injuries. In the first exception he chargeth me upon suspicion directly contrary to my assertion. In the second exception he confoundeth a primacy and a supremacy, order and power, and maketh me to fix that to the see of Rome, which I maintain to be unfixed.

[Mr. Baxter's third exception.]

His third exception is this;—"That the Pope should hold to himself and his Church his 'last four hundred years' determinations,' and so continue, as the Bishop here concludes, to be 'no Apostolical, orthodox, Catholic Church, nor to have true faith,' is an unlikely thing to stand with the unity and concord which he mentioneth; we shall cement but sorrily with such a body as this[l]."

[His gross mistaking of the author's words.]

It is no wonder if Grotius suffer wrong by him, when my words are (at the best) so grossly mistaken, who live to interpret myself. First, I give no leave to the Pope and Church of Rome to "hold to themselves their last four hundred years' determinations." But if they will hold them, I have no power to help it, or hinder it. My words are these;—"If you could be contented to wave your last four hundred years' determinations, or, if you liked them for yourselves, yet not to obtrude them upon other Churches[m]." As, if one should say,—If Jeroboam will forbear to commit idolatry himself, or if he will not, yet, if he will forbear to compel others to commit idolatry, I may come to live in Israel,—no moderate man will say, that he giveth leave to Jeroboam to commit idolatry. Secondly, he pretends most untruly that I make these to be the "terms" or conditions "of a peace," which I mention only as preparatives. My words are not,—'then we may unite and cement ourselves together,'—but,—"then much good might be expected from free Councils and conferences of moderate persons[n]." He himself saith as much as I say. Thirdly, if they do not obtrude their last four hundred years' determinations upon other Churches, then they wave their

[l] [Treat. of Grot. Relig., sect. 14. pp. 25, 26.]
[m] [Answ. to La Millet., in vol. i. p. 89. Disc. i. Pt. i.]
[n] [Ibid.]

legislative power, and take away from their canons the nature of laws; then they make them no longer points of faith, but probable opinions. It was not the erroneous opinions of the Church of Rome, but the obtruding them by laws upon other Churches, which warranted a separation. He who will have no communion with a Church which hath different or erroneous opinions in it, so long as they are not obtruded, must provide a ladder to climb up to Heaven by himself. And this is that which I said expressly in that very place cited by him;—"We might yet live in hope to see an union, if not in all opinions, yet in charity and all necessary points of saving truth[o]." Let the Church of Rome do that which I require, that is, [maintain] the Apostolical discipline and Apostolical Creed without addition, and it shall become an Apostolical and Catholic Church, and have true faith.

[Mr. Baxter's fourth exception.]

His fourth exception is this;—"That the Pope should hold his patriarchal power, is a mere innovation, and human institution, as is his primacy of order and such privileges (the Council of Chalcedon avers it); and therefore it is no
630 necessary thing to be conceded for the Church's peace[p]."

[The Patriarchal dignity a human institution, yet no mere innovation.]

That the patriarchal dignity is a "human institution," all men who understand themselves do acknowledge. That it is "a mere innovation," all men who understand themselves do deny. How should that be "a mere innovation," which was not first constituted, but confirmed as an "ancient" ecclesiastical "custom," in the first general Council of Nice[q], and approved by all the general succeeding Councils of the Church, and particularly by the Council of Chalcedon[r], which he mentioneth, which equalled the Patriarch of Constantinople to the Patriarch of Rome[s]? This form of government is allowed by the Canons of the Apostles, as I have shewed elsewhere[t]. This patriarchal government Calvin himself did not only allow, but assert it to be "such a form as God hath prescribed in His Word[u]." What wonder is it, if they lose ground daily to the Romanists, who have the

[o] [Ibid.]

[p] [Treat. of Grot. Relig., sect. 14. p. 26.]

[q] [Concil. Nicæn. can. 6; ap. Labb., Concil., tom. ii. p. 32. C.]

[r] [Concil. Chalced., A.D. 451. See Just Vindic., c. v.; in vol. i. pp. 155, 156. Disc. ii. Pt. i.]

[s] [Scil. can. 28; ap. Labb., Concil., tom. iv. p. 770.]

[t] [See Just Vindic., c. v.; in vol. i. pp. 154, 155: from Can. Apostol. 33.]

[u] Calvin., Instit., lib. iv. c. iv. Sect. 4. [Op. tom. ix. p. 286. b.]

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confidence to affirm that patriarchal power is an "innovation," and cite the great Council of Chalcedon for it.

[Mr. Baxter's fifth exception.]

He proceedeth to his fifth exception;—"Multitudes that live in the western nations of the world, will still dissent, both from the Pope's patriarchal power, and more from his way of exercising it; and so will be forced to fall under the reproach of schismatics by these terms, and that for obeying the laws of Christ: if the Pope as Patriarch of the West should impose on us only, and not on the East, the doctrines and worship and ceremonies which he now imposeth on the Papists (except the excepted before), doth any man of reason think, that the Reformed Churches would ever yield to them, or ought to do it? we will unite on Christ's terms, and that will be a more sure and general union, and not on such human devices as these; let those that made the Pope our Patriarch maintain his power, for Christ did not[x]."

Still weaker and weaker. Multitudes that "live in the western parts of the world," will not only dislike the Pope's patriarchal power, but his presbyterian discipline, and his Holy Orders, the Creed, the Lord's Prayer, the Sacraments, &c. Must a man therefore quit his just right because some dislike it? Their dislike is but scandal taken; but the quitting of that which is right for their satisfaction, should be scandal given. Whether is the worse?

[It is schismatical to resist a lawful Patriarch lawfully proceeding.]

By the way, I desire him to consider two things; first, how they are "forced to fall under the reproach of schismatics?" If they be "forced" any way, it is by their own wilful humours or erroneous conscience. Other force here is none. If there be any force, it is they which force themselves. Secondly, I would have him to consider, whether is the worse and more dangerous condition, for Christians "to fall under the reproach of schismatics," which hath no sin in it, but is a means many times to reduce men into the fold of the Catholic Church, or for Christians to fall into schism itself. Whosoever shall oppose the just power of a lawful patriarch lawfully proceeding, is a material schismatic at least; and if his error be vincible, such as he might conquer

[x] [Treat. of Grot. Relig., sect. 14. p. 26.]

and come unto the knowledge of the truth if he did his endeavour, he is a formal schismatic.

His reasons of their falling under the reproach of schismatics,—"for obeying the laws of Christ,"—I confess I do not understand. Doth he think that patriarchal power is contrary to the laws of Christ, and that all the primitive Churches and Councils and Christians did transgress the laws of Christ in this particular? Surely he cannot think it. Or is it his zeal to admit nothing in the Church grounded upon prudence and experience and the law of nature, but only that which is commanded by Christ in Holy Scripture? If that be it, I refer him to Doctor Sanderson in his Preface before his Twenty Sermons[y], to whom he professeth "very great reverence[z]." I had rather suspect that I understand him not, than imagine him to be guilty of such an absurd conclusion.

[Abuse of Patriarchal power no argument against its use.]

To his question,—"If the Pope as Patriarch of the West should impose upon us" [that] "which he imposeth upon the Papists," should "the Reformed Churches yield to them?"—I answer, God forbid; but his whole discourse is grounded upon a cluster of mistakes. First, the Pope hath no right to the Patriarchate of all the West. Particularly he is not our Patriarch. Other Churches in the West might find out Primates or Patriarchs of their own as well as we, if they sought diligently for them. Secondly, a single Patriarch hath not legislative power to impose laws in his own Patriarchate, nor power to innovate anything without the consent of his Bishops. Thirdly, my former 'exceptions,' as he styleth
631 them, or rather my preparatory conditions, do virtually comprehend all the gross errors of the Roman Church, both in discipline and doctrine, leaving no difference in necessary points of faith, but only in opinions. So, if my conditions be observed, there is no place left for any such supposition. Lastly, I observe, what an unsound kind of arguing this is, to deny a man his just right, as patriarchal power was the Bishop of Rome's just right, for fear lest he might abuse it. All

[y] [See the Pref., § 9—11, to Twenty Sermons formerly preached (xvi. ad Aulam, iii. ad Magistratum, i. ad Populum) and now first published, by Rob. Saunderson D.D. Prof. Reg. in the Univ. of Oxford and Chaplain in Ordinary to the late King's Majesty, fol. Lond. 1656.]

[z] [Treat. of Grot. Relig., sect. 1. p. 2.]

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factions use to miscall their own terms, "Christ's terms." To cancel all human right under the notion of "human devices," is both inconsistent with the law of Christ, and the welfare of all societies. They who made the Bishop of Rome a Patriarch were the Primitive Fathers, not excluding the Apostles, and Christian emperors, and œcumenical Councils. What laws they made in this case, we are bound to obey for conscience' sake (until they be repealed lawfully), by virtue of the law of Christ; a fairer plea than I know any for their own consistory, where laymen usurp the power of the keys contrary to the law of Christ.

[Mr. Baxter's sixth exception.]

His sixth exception is the same with the fifth, only there it is proposed hypothetically,—"If the Pope as Patriarch of the West should impose,"—and here it is repeated categorically,—"Many things in doctrine and worship which on these terms would be imposed both on East or West, and prevail in most of the Churches at this day, are sins against God, and therefore, how small soever they may be, are not to be consented unto for unity[a]."

[It requireth no answer.]

If there be any grain of truth in this proof, it is so indefinite, so conjectural, and so accidental, that it requireth no answer. How should a man either affirm or deny or distinguish of "many things," without specifying any one thing in particular? I assent thus far in general, that no man can be obliged to do a sin against God, and that whatsoever human ordinance doth necessarily and essentially produce sin, is unlawful. But until he tell us in particular, what these "many things" are, or at least some one of them; and prove evidently, that it is a "sin against God" indeed, and not in his opinion only; and that it is infallibly true that it "would be imposed," which would be a hard task to undertake without the gift of prophecy; and, lastly, that the imposition of some such sinful thing or things is not an arbitrary or accidental abuse of that lawful power which I admit, but floweth naturally or essentially from it; I say, until he do all this, all that he doth say signifieth nothing; and so I leave his "many things" as just nothing,—

[Mr. Baxter's seventh exception.]

And come unto his seventh exception:—"The Ethiopian and other Churches, that were still without the verge of the

[a] [Ibid., sect. 14. pp. 26, 27.]

Roman empire, will never acknowledge thus much to the Pope, seeing that even those human constitutions that gave him his primacy of order determined of no more than the Roman world, and had nothing to do beyond Euphrates; how did the Popes lay any claim or meddle any further? and abundance among the Eastern Churches [also] will deny this primacy[b]."

[The Ethiopian and other Eastern Churches admit the Patriarchal form of government.]

This exception was made in the dark, and therefore the errors that abound in it may more easily be pardoned, as proceeding from the not knowing of the true state of the Ethiopic and other Eastern Churches. Both the Ethiopic and all other Eastern Churches do unanimously admit this form of government by Patriarchs, which I acknowledge. The Ethiopians have a Patriarch of their own, and so have all the other Eastern Churches. And particularly the Albuna or Patriarch of Ethiopia is under the Patriarch of Alexandria, named by him and ordained by him from time to time. So untrue it is, that the œcumenical constitutions of general Councils extended not "beyond Euphrates." The Ethiopic and all other Eastern Churches do submit to the Council of Nice, and other œcumenical Councils, by which Patriarchal government was confirmed. They all acknowledge the Patriarch of Rome to be the chief Patriarch, whilst he behaveth himself well, and to have a primacy of order among the Patriarchs. They know no points of faith but those which are contained in the ancient Creed, as we find at large in the Historical Description of Ethiopia by Francis Alvares[c]. They all deny the Pope's supremacy of power as we do; and when the Pope sought to introduce it into Ethiopia by the mediation of the King of Portugal, Claudius then Emperor of Ethiopia returned this answer,—"*Se quidem fraternâ in Lusitanum Regem voluntate esse ac fore, cæterum nihil sibi minus in mentem venisse, quam ut idcirco à Majorum*
632 *institutis ac tot seculorum spatio corroboratâ religione deficeret*" —"That he owed all good will to the King of Portugal as his brother, but it was the least part of his thought, therefore to apostate from the orders and religion of his ancestors,

[b] [Ibid., p. 27.]

[c] [See cc. 26, 98; and the letter of the King of Ethiopia to Clement VII. in 1523, appended to the book;—in vol. i. of Ramusio's Raccolto delle Navigationi et Viaggi, Venet. 1588.]

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received and radicated in Ethiopia throughout so many ages[d]."

[Mr. Baxter's eighth exception.]

His eighth exception is;—"There is no hope of uniting the Churches on any terms but what are necessary and Divine; for it's vain to think, that things human and unnecessary should be consented to by all, much less things sinful[e]."

[Its many mistakes.]

In the name of God, why is it not possible that the Churches should be united upon some human or prudential terms? Are there not common principles of natural equity, which reason dictateth to all mankind? That is one mistake. Secondly, the law of nature is a Divine law. And though patriarchal regiment be no express principle of the law of nature, yet it is very agreeable to it, and grounded upon it. Thirdly, though no human ordinances be absolutely necessary to salvation, as those supernatural truths which are revealed in Holy Scripture are, yet they may be respectively necessary to the well-being of religion. Lastly, in his conclusion,—"much less things sinful,"—he disputes upon that which is not granted, nay, more, which is absolutely denied. Mr. Baxter will never be able to prove, that any thing which is sinful, is contained in my reconciliatory propositions.

[Mr. Baxter's ninth exception.]

His ninth exception signifieth as little as the rest:—"There is no union to be had but upon the terms on which the Churches have sometimes been united; for a new way of union is not to be expected [or] attempted; but never was the Church united on such concessions as these, and therefore never will be[f]."

[The author's proposed terms not new or untried.]

I deny his assumption altogether; and if I were to choose a reason or medium whereby to demonstrate my way of reconciliation to be good, I could not fix upon a better than this. The Catholic Church hath been united on these same principles which I suppose, the same faith without any addition, the same ecclesiastical discipline without any variation, the same form of serving God publicly; and since the dispersion of the Church all over the world, it never was

[d] Pet. Maffei, Hist. Ind., lib. xvi. p. 749. [p. 325. B. ed. Colon. Agripp. 1589.]

[e] [Treat. of Grot. Relig., sect. 14. p. 27.]

[f] [Ibid.]

united upon any other principles than these, nor can be united upon any other principles but these.

[Mr. Baxter's last exception.]

I am come to his tenth and last exception:—"It would be an exceeding dishonour to God, and injury to the souls of many millions of men, if but under the Pope's patriarchal jurisdiction in the West, the Papists' way of worship were set up, and their government exercised as now: the good-will of Rome, or the name of peace, would not recompense the loss of so many thousand souls, as some one of the Papal abuses might procure; for instance, their driving the people from the Scriptures, and other means of knowledge[g]?"

[A great difference between establishing and allowing.]

All along he buildeth upon a wrong foundation. It is one thing to set up or to approve the setting up of a false way of worship, which I do not justify, and another thing to tolerate it when and where it is not in our power to hinder it, as both he and I must do whether we will or no. I do not only give no consent to the setting up of any unlawful form of worship where it is not, but I wish it taken away where it is set up already. But if it be without the sphere of my activity, I must let it alone per force. If a shepherd, when it is past his skill to cure his rotten sheep, shall do his uttermost to preserve that part of his flock which is sound from infection, he deserveth to be commended for those he saved, not to be accused as the cause why so many perished, that were past his skill and power to cure. In a great scathfire it is wisdom not only to suffer those houses to burn down which are past quenching, but sometimes to pull down some few houses wherein the fire is not yet kindled, to free all the rest of the city from danger. If the Pope within his own territories, or other Christian princes by his means within their territories, will maintain a way of worship which I do not approve, must I therefore, nay, may I therefore, make war upon them to compel them to be of my religion? So we shall never have any peace in the world, whilst there are different religions in the world; for every one takes his own religion to be best.

[Mr. Baxter's rash assertions about Roman Catholics.]

But what certainty hath he, that "so many thousands," yea, "millions, of souls" are lost, because they live in such places as are subject to the Pope? God is a merciful God, and looks upon His poor creatures with all their prejudices.

[g] [Ibid., pp. 27, 28.]

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Or how doth this agree with what he saith elsewhere, that "the French moderation is acceptable to all good men," and "that nation is an honourable part of the Church of Christ in" his "esteem[h]?" It is no very "honourable part of the 633
Church of Christ," if so "many millions of souls" run such extreme hazard in it. His marginal note of their "streams of blood" and "massacres[i]" might have been spared, a fear of putting some of them upon a parallel between theirs and ours. And for his instance of "driving the people from the Scriptures," he escapeth fairly if none of them cast it in his teeth, that the promiscuous licence which they give to all sorts of people, qualified or unqualified, not only to read but to interpret the Scriptures according to their private spirits or particular fancies, without any regard either to the analogy of faith, which they understand not, or to the interpretation of the doctors of former ages, is more prejudicial, I might better say pernicious, both to particular Christians and to whole societies, than the over rigorous restraint of the Romanists. Whereof a man need require no further proof but only to behold the present face of the English Church. Truth commonly remaineth 'in the midst.' And so I have shewed him how little weight there is in his ten exceptions.

At the conclusion of his exceptions he hath this clause,—"Besides, most of the evils that I charged before on the Grotian way (as censures, persecutions, &c.), would follow upon this" way[k]. It may follow in his erroneous opinion, but in truth and really no inconveniency at all doth follow upon what I say.

[Upon whose side lies the schism,—Mr. Baxter's or the "Grotians'."]

"The third cause" of his "dislike of the Grotian way" was, "because it is uncharitable and censorious, cutting off from the Catholic united Society the Reformed Churches that yield not to his terms and will not be reconciled to the Pope of Rome[l]." Let them take heed that they cut not off themselves, for I neither cut them off, nor declare them to be cut off. If they "will not be reconciled to the Pope of Rome" upon warrantable and just terms, such as were approved by the primitive Church, such as those are which I

[h] [Ibid., sect. 4.] p. 10.

[i] [Ibid.—the "great blemish" (of the French nation) "is the streams of blood that have been spilt by massacres."]

[k] [Ibid., sect. 14. p. 28.]

[l] [Ibid., sect. 7. p. 15.]

propose, for any thing he doth say or can say to the contrary, it is his own uncharitableness, not mine. Some men would call it schismatical obstinacy. But this reason hath been fully answered before.

The "fourth reason" of his "dislike" of this "design is, because it is a trap to tempt and engage the souls of millions into the same uncharitable, censorious, and reproachful way [which he" (Grotius) "thus entered into himself]. When a false centre of the Church's unity is set up, and impossible or unlawful terms of concord are pretended thus to be the only terms, . . they that believe this will uncharitably censure all those for schismatics, or heretics that close not with them on these terms[m]."

[Upon whose side lies the want of charity.]

His first office should have been, to have proved that my way is "uncharitable, censorious, or reproachful," and that my terms are "impossible and unlawful;" which he neither doth, nor attempteth to do, nor ever will be able to do. And until he do it, or go about it, all his reasons are a pure begging of the question, and no better, and consequently deserve no answer.

The "fifth reason" of his "dislike" is, because "it tendeth to engage the princes of Christendom in a persecution of their subjects, that cannot comply with these unwarrantable terms. And that is likely to be no small number, nor the worser part, but the soundest, and wisest, and holiest men. For if princes be once . . persuaded that these be the only terms, and so that the dissenters are factious, schismatical and unpeaceable men, no wonder if they silence the ministers, . . and persecute the people[n]."

[Upon whose side lies the persecution of their adversaries.]

It is an easier thing to call them "unlawful" and "unwarrantable" terms twenty times, than to make it good once. It is a fault in Rhetoric, and in Logic also, to use common reasons, such as may be retorted against ourselves by an adversary. Such a reason is this, and may be urged with as much show of reason against all writers of controversies whatsoever, and against Mr. Baxter himself in particular, with as much colour of truth as he urgeth it against Grotius or me:— that "if princes be once persuaded," that those terms which he proposeth be true, and the contrary errors, "no wonder if they silence the ministers, and persecute the people;"—or

[m] [Ibid., sect. 8. p. 16.] [n] [Ibid., sect. 9. p. 17.—"*or* unpeaceable" &c.]

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"if they be once persuaded" by him, that his new discipline is the sceptre of Christ prescribed in the Gospel, then the Episcopal divines and the Independents are sure to suffer. This frivolous pretence will fit all causes whatsoever, though they be never so diametrally opposite one to another. Secondly, I answer, that there is not one grain of clear distinct necessary truth in this whole discourse, but uncertain suspicions, groundless persuasions, confused generalities, and beggings of the question. That the "terms" are "unlawful" and "unwarrantable," that he and his party are "the 634
soundest, and wisest, and holiest" of Christians, is groundless presumption and begging of the question. That "the princes of Christendom will be persuaded" themselves, and thereupon condemn the dissenters, and "silence the ministers," and "persecute the people," are all uncertain conjectures, and accidental events. What "princes of Christendom" he doth intend or can intend; who are those dissenters, whom he calleth "the soundest, and wisest, and holiest" of "men;" what ministers he meaneth, "ordained," or unordained, or both; and what "flocks," such as they had a legal title to, or such as they have usurped;—are all confused indefinite generalities, and ought to have been set forth more distinctly. In a word, "*mutato nomine de te fabula narratur*[o]."—Whatsoever he feigneth of imaginary "Grotians," is really true of his own party. They have prevailed with persons of power and authority, and persuaded them to silence and persecute, and to chase away from their flocks the right pastors, and have usurped their benefices and charges themselves; and all this while pretended (shameless men), that they are doing God good service. He is not able to charge any of his imaginary "Grotians" with any such thing. This is to bite and whine, as the proverb hath it; to do wrong and to complain of suffering wrong. Popular persecutions of all others are ever most groundless, and most violent.

The more moderate that men's judgments are, as Grotius his judgment was, and mine is, the further off they are from engaging princes to persecute their subjects. Cowards ordinarily are most cruel. So weak and wilful persons are most

[o] [Horat., Sat. I. i. 69, 70.]

apt to promote persecutions, knowing that to be their only defence against those whom they are unable to answer with reason. There are seditious principles and practices enough in the world to irritate princes, without any other bad offices, which have been introduced into the Church under a pretext of religion; such as no man living can justify; such as are inconsistent with all human societies; such as, if God be pleased once to restore men perfectly to their right wits, they must be sure in the first place to cast out of the world, if they do ever mean to preserve peace and tranquillity among themselves. It were much more politicly done of him to leave this subject, which the more it is stirred in, the worse it will smell to somebody.

[Mr. Baxter's ill-timed imputation of pride.]

In the conclusion of this objection he complaineth thus,—"This is the unhappy issue of the attempts of pride; when men have such high thoughts of their own imaginations, and devices[p]," &c.;—which is most true in general, if he can let it rest there. But if he proceed any further, to examine on what side this pride doth lie, whether among the Grotian party, as Cassander, and Wicelius, and Grotius, or among his own party, if it were fit to name them, he will quickly find who they are that do "*calcare fastum majore fastu*"—"tread down pride with greater pride[q]," through the holes of whose coats vain glory doth discover itself[r]. That ever Presbyterians should complain of pride[s]!

CHAP. VII.

OF MR. BAXTER'S OWN WAY OF RECONCILIATION.

[IV. Mr. Baxter bound to propose a way of his own, since he dislikes the author's.]

THUS having in his own imagination battered down that frame of an union, which he thought I had proposed, though in truth all his reasons have scarcely force to shake an aspen leaf, yet for our comfort he telleth us, that he will not "leave the business thus, lest, whilst" he "pulls down all and offers

[p] [Treat. of Grot. Relig., sect. 9. pp. 17, 18.]

[q] [Diog. Laert., lib. vi. sect. 26; an answer of Plato to Diogenes the Cynic.]

[r] [Vide Aristot., Eth. Nic., iv. 13.]

[s] ["Quis tulerit Gracchos de seditione querentes:" Juv., ii. 24.]

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nothing instead" thereof, he might "be thought an enemy to peace[t]." It is all the reason in the world, that if peace be so desirable as he maketh it, and he shew his dislike of our ways to procure it, he should propose a better expedient of his own, that other men may have the liberty to try if they can say more against his way, than he hath hitherto been able to say against theirs; but I have my jealousies and fears as well as he, and better founded, that he will never prove a good architect in this kind, because I never found any man yet who was given to innovation, but his genius was ten times apter for pulling down than for building up.

[What the terms are which he does propose.]

But let us view his own way or terms of peace without prejudice. "In general therefore I say, that the terms of an universal concord or peace must be purely Divine and not human, necessary and not things unnecessary, ancient according to the primitive simplicity, and neither new, nor yet too numerous, curious, or abstruse[t]." 635

[How absurdly vague they are.]

These are 'generals' indeed, and if they were all consented unto, the peace would not be much nearer than it is. I think such general terms or articles of peace were never seen before in our days. "From what hopes am I fallen[u]!" I expected, that having rejected our ways of reconciliation, he would have chalked us a new ready way of his own, free from all exceptions. And he only telleth us, that a way must be short, and straight, beaten, and smooth, and so leaveth us to find out such a way for ourselves where we can. This is just, "take nothing and hold it fast[x]." Such general ways are commonly the ways of bunglers or deceivers. One of Mercury's statues, though it were dumb, could have given better directions for a way than this. But he who will be a reconciler of controversies, must be more particular.

[1. That such terms be "purely Divine."]

Yet let us take a particular view of his general directions. "The terms of an universal peace must be purely Divine, not human." How "purely Divine not human?" That is impossible. That which is "purely Divine" hath no mixture of "human" in it; but these terms of peace must be made and contrived by men, between man and man, for the use of men, and after a human manner; not by immediate inspiration.

[t] [Treat. of Grot. Relig., sect. 15. p. 29.]

[u] [Terent., Heautontim., II. iii. 9.]

[x] [Λάβε μηδὲν καὶ κράτει καλῶς.]

So these terms cannot be "purely Divine." But perhaps his meaning is no more than this, that in an accommodation no human constitutions ought to be imposed upon the Churches. Then down goes his Presbyterian discipline, for that is both "human" and new. When Calvin first proposed it to the Helvetian divines for their approbation, he desired no more of them but to testify, that it was "not disagreeable to the Word of God," or "came near to the Word of God[y]." It is meet and just, that no human constitutions should be imposed as Divine ordinances; but it doth not follow thence, that all human right and law must be thrust out for rotten. Human right is grounded upon Divine right, that is, the law of nature and the positive laws of God, and cannot be violated without the violation of the Divine law, and ought to be observed for conscience' sake, out of a respect to the Divine law, which commandeth "every soul to be subject to the higher powers." Is not this like to prove a fair accommodation? wherein the first article must be, to renounce the light of natural reason, and the experience of so many ages since Christ's time, and the prudential constitutions of all our primitive guides. These are such terms of peace as can please no body but sequestrators, and such as live like moths in other men's garments. Neither would his pretended "Divine terms" be more favourable to innovations than "human terms," but only that this way affordeth wranglers a longer time to prevaricate, before controversies can be maturely determined. If ever there were an universal reconciliation of all Christians, the first act which they ought to do after their union, is to cast out all such pernicious principles as this from among them, before they thrust out all reason and human right out of the world.

[Rom. xiii. 1.]

His second rule is, the "terms of peace must be things necessary, not unnecessary." We are beholden to King James[z], not to him, for this prudent direction; but by setting it down so imperfectly he makes it his own. There are two sorts of necessary things. Some things are absolutely necessary to the being of the Church. Some other things

[2. That they be things necessary.]

[y] ["Consentanea verbo Christi," was the expression Calvin wished; "Accedere ad Verbi Dei præscriptum," was the expression employed. See Bancroft's Survey, c. ii. pp. 32, 33;—Hooker, E.P., Pref. ii. 6. ed. Keble;—and Calvin, Epist. ad Tigur. Minist. Nov. 26, 1553, and Bulling. ad Calvin., Dec. 13, 1553,—in Epist. Calv., Op. in fin. tom. ix. pp. 75, 78.]

[z] [See below pp. 568, 569. note c.]

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are respectively necessary to the well-being of the Church. The terms of peace ought to extend to both these, to the former evermore, to the latter as far as it may be. Or yet more distinctly:—some things are necessary *necessitate medii,* as necessary means of salvation, without which no Church can consist; concerning these there is little or no need of reconciliation, where there is no difference. Secondly, some other things are necessary *necessitate præcepti,* as commanded by God or by the Church of God. Both these are necessary in their several degrees, and both of them ought to be taken in consideration in a reconciliation, but especially the former, yet not excluding the latter. Every thing ought to be loosed by the same authority by which it was bound. Thirdly, there are other things, which, though they be neither necessary means of salvation, nor necessarily commanded by God or man, yet they are necessary by a necessity of convenience, out of pious and prudential considerations, *huic, hîc, nunc,* to 636
this or that Church, at this or that time, in this or that place. The greatest consideration that ought to be had of these things, is to leave every Church free to determine their own necessities or conveniences, yet with a regard to unity and uniformity.

[3. That they be ancient and simple.]

His third rule is, "the terms of peace must be ancient according to the primitive simplicity, and neither new nor yet too numerous, curious, or abstruse." His first rule doth virtually comprehend both his latter rules, and renders them superfluous. For if nothing be admitted into the terms of peace but Divine truths, they can neither be "unnecessary," nor "new," nor "too numerous, curious, or abstruse." And this way of his, rightly expressed and understood, is the same in effect with my way, which he pretendeth to impugn. He admitteth no truths but Divine, and excludeth all human rights, which is more than he ought to do. I distinguish Divine right from human right, and give unto the law of God both written and unwritten, and to the laws of the Church, and to the laws of Cæsar, their respective dues. He admitteth none but necessary truths. I admit no truths, in point of faith, but these which the blessed Apostles judged to be necessary and comprehended in the Creed. I reject all new-coined articles of faith, all usurpations in point of discipline,

[Matt. xxii. 21, &c.]

all innovations in point of worship. He proposeth for a pattern of union the "simplicity" of the ancient and "primitive" Church; so do I, before the faith was adulterated by the addition of new articles, or the discipline translated into a new monarchical way, or the public worship of God was corrupted by the injunction of sinful or supernumerary rites.

[True meaning of primitive simplicity.]

I wish he had expressed himself more clearly what he means by "the primitive simplicity." I hope it is not his intention, that either the house of God or the public service of God should be sordid and contemptible. He cannot be ignorant, that so far as the present condition of times, and places, and persons, and affairs will bear it, there ought to be some proportion between that great God Whom we serve and that service which we perform unto Him. God was acceptably served by the primitive Christians, both in their cells and vaults and homely oratories in times of persecution, and likewise in stately and magnificent temples and cathedrals when God had given peace and plenty to His Church. "Wisdom is justified of her children." Yet even in those times of persecutions a man would wonder at that external splendour, wherewith those devouter souls served God, where they had means and opportunity.

[Mat. xi. 19.]

[Utility of scholastic distinctions.]

Neither do I perfectly understand what his aim is, where he would not have the terms of peace to be "curious or abstruse." I conjecture it reflecteth upon the Schoolmen. And if his meaning only be, that he would not have our Catechisms or accommodations to be pestered and perplexed with the obscure terms and endless disputations of the schools, I do readily assent. But if he think, that in the work of reconciliation there is no need of a scholastic plane to take away the crabbed knots, and to smooth the present controversies of the Christian world, I must dissent from him. We find by daily experience, that the greatest differences, and such as made the most noise and the deepest breach in the Christian world, being rightly and scholastically stated, do both become easy and intelligible, and now appear to have been mere mistakes one of another. And when many other questions are rightly handled after the same manner, I presume they will find the like end. When I

PART II. was a young student in theology, Dr. Ward[a] declared his mind to me to this purpose, that it was impossible that the present controversies of the Church should be rightly determined or reconciled, without a deep insight into the doctrine of the primitive Fathers, and a competent skill in school theology. The former affordeth us a right pattern, and the second smootheth it over and planeth away the knots.

[Mr. Chillingworth's way of unity.] Though he himself do deal only in generals, yet he telleth us, that Mr. "Chillingworth hath already" particularly "told the world a way of unity[b]." It is well if he have; but if it prove as general as his own way, it will not conduce much to the peace of Christendom. What hath Mr. Chillingworth told us, or where hath he told it? Had it not been worthy of his labour to have repeated the words, or cited the place? What a deal of vanity is it, to write whole treatises in confutation of others, to no purpose, and when he comes to the main 637
business, or to the only necessary and satisfactory point, to be mute. It is long since I read over Mr. Chillingworth; but I remember no such particular reconciliatory way told by him to all the world, but only some general intimations or directions. All that I do remember or meet with, I shall produce.

[1. To distinguish carefully Divine from human, and necessary from unnecessary, truths.] The first place is in the frontispiece of his book. Neither is that his own judgment, but the judgment of King James, related by Mr. Casaubon in his Epistle to Cardinal Perron, in these words.—"The King judgeth, that the number of things absolutely necessary to salvation is not great. Wherefore his Majesty thinks, there is no more compendious way to peace, than to distinguish diligently things necessary from things not necessary, and to endeavour to procure an agreement about necessary things, and that place may be given to Christian liberty in things not necessary. The King calleth those things simply necessary, which either the Word of God commandeth expressly to be believed or done, or which the ancient Church did draw out of the Word of God by necessary consequence. . . If this distinction were used to decide the present controversies, and Divine right were ingenuously

[a] [Dr. Samuel Ward, Archdeacon of Taunton, and one of the English deputies to the synod of Dort, was Marg. Prof. of Divinity at Cambridge in 1621, and Master of Sidney Sussex (Bramhall's College) from 1609 to 1643 (Le Neve). Bramhall entered in 1608, and remained at Cambridge until he took his Master's degree in 1616 (Life, in vol. i. pp. iii. iv.).]

[b] [Treat. of Grot. Relig., sect. 15. p. 29.]

distinguished from positive or ecclesiastical right, it seemeth not, that the contention would be long or sharp, between pious and moderate men, about things absolutely necessary. For they are both few, as we said even now, and are for the most part approved by all who desire to be called Christians. And his most renowned Majesty thinketh this distinction to be of so great moment to diminish the controversies which trouble the Church so much at this day, that he judgeth it the duty of all who are studious of peace, to explain it diligently, and teach it, and urge it[c]." This is an excellent way indeed; but it is a general way, not a particular way; it was King James his way, not Mr. Chillingworth's. What King James pointed at in general, I pursue in particular. But that prudent prince was far enough from dreaming, that there could be no reconciliation of Christendom, except all human right were destroyed or taken away. This is Mr. Baxter's own unbeaten way.

[2. A purely Scriptural form of worship.]

I find a second passage to this purpose in Mr. Chillingworth's Answer to the Preface num. 23[d].—"Notwithstanding all your errors, we do not renounce your communion totally and absolutely, but only leave communicating with you in the practice and profession of your errors. The trial whereof will be, to propose some form of worshipping God, taken wholly out of Scripture; and herein if we refuse to join with you, then, and not till then, may you justly say, we have utterly and absolutely abandoned your communion." This might serve for a couvrefeu, to hide the flame of our contentions from breaking out whilst we are at our devotions; but it hath nothing of reconciliation in it, and hath as little probability of a pacification. We desire not half so much as this of them, to change their whole Liturgy, but only to leave out some of their own later additions, which never were in any of the primitive Liturgies. By "being taken wholly out of the Scripture," either it is intended, that it shall be all in the words and phrase of Scripture;—that will weigh little; I have never observed any thing more repugnant to the true sense of Scripture, than some things which have been expressed altogether in the phrase of Scripture;—or it is intended, that the matter of the Liturgy shall be taken

[c] [Isaac Casaubon, in Epist. ad Card. Perron., written in the name of James I. (In Observ. iii. pp. 30-32, 4to. Lond. 1612, Latin edit.); as quoted in the title-page to Chillingworth's Relig. of Protestants, Oxf. 1638.]

[d] [Chilling., Relig. of Protestants a Safe way to Salvation, p. 17, ed. 1638.]

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wholly out of the Scripture. But this hath so little of an expedient in it, that it will leave the controversy where it is. Both parties do already contend, that their respective forms are taken out of the Scriptures.

He hath another passage much to the same purpose in his answer to the third Chapter, Part i. num. 11[e].—"If you would at this time propose a form of Liturgy, which both sides hold lawful, and then they" (Protestants) "would not join with you in this Liturgy, you might have some colour to say, that they renounced your communion absolutely." First, [this] remedy regardeth only a communion in public worship, without any respect to an union in faith and discipline. Secondly, even in the point of public worship it leaves the difference where it was, what is a "lawful" form. Those things which the Romanists hold to be necessary, the Protestants shun as superstitious excesses; and that form which the Protestants would allow, the Romanists cry out on as defective in necessary duties, and particularly, wanting five of their Sacraments. Nay, certainly, to call the whole frame of the Liturgy into dispute offers too large a field for contention; and is nothing so likely a way of peace, as either for us to accept of their form,—abating some such parts of it, as are confessed to have been added since the primitive 638
times, and are acknowledged not to be simply necessary, but such as charitable Christians ought to give up and sacrifice to an universal peace, and would do it readily enough, if it were not for mutual animosities of both parties, and the particular interests of some persons,—or if they should say to us, as Father Paul Harvis[f] (a Romanist violent enough) hath often said to me, that if we had retained the Liturgy used in Edward the Sixth's time, he would not have forborne to come to our communion. To procure peace, there must be condescension on both sides.

[3. His third way.]

I find a third place, Part i. c. 4. num. 39[g]. "To reduce

[e] [Ibid., p. 132.]

[f] [A Father Paul Harris is mentioned by Bp. Bedell (Letter to Ld. Deputy, Nov. 5, 1633, in Strafford Papers, vol. i. p. 148), as then Dean of a new Roman Catholic University at Dublin, and author of "an infamous libel" against a sermon of Abp. Ussher's (see also ibid. pp. 155, 173, 364); and by Cox (Hib. Angl., vol. ii. p. 60), as a "plotting priest," in frequent correspondence with Sir G. Radcliffe.]

[g] [Relig. of Protest. &c., num. 39, 40; pp. 209, 210: from Abp. Ussher, as related by Dr. Potter in his Answer to Knott's Charity Mistaken (sect. vii. p. 254); scil. from his Serm. of the

Christians to unity of communion, there are but two ways that may be conceived probable; the one, by taking away diversity of opinions touching matters of religion; the other, by shewing that the diversity of opinions, which is among the several sects of Christians, ought to be no hindrance to their unity in communion. The former of these is not to be hoped for without a miracle. . . Then what remains, but that Christians be taught," that their "agreement" in "the high points of faith and obedience, . . ought to be more effectual to win them in one communion, than their difference in things of less moment to divide them."

[To take away diversity of opinions not impossible.]

I must crave leave to dissent from Mr. Chillingworth in his former conclusion, that diversity of opinions among Christians touching matters of religion cannot be taken away "without a miracle." A great many of those controversies which raised the highest animosities among Christians at the first Reformation, are laid aside already by moderate and judicious persons of both parties, without any miracle, and are only kept on foot by some blunderers, who follow the old mode when the fashion is grown out of date, either out of prejudice, or pride, or want of judgment, or all together. And as many controversies of the greatest magnitude are already as good as reconciled, so more may be. There is no opposition to be made against evident truth. I hope Mr. Baxter will be of my mind; who confesseth, that he is "grown to a great deal of confidence, that most of our contentions about" (Arminian) "points, are more about words than matter[h];" and doubteth, whether there be any difference "at all" in "the point of free-will[i];" and affirmeth, that "the difference between Protestants and many Papists about certainty of salvation (except the point of perseverance) is next to none," and with some Papists in the point of "perseverance" also[k].

[To allow such a diversity is the author's own way.]

The second conclusion was borrowed by Mr. Chillingworth from my Lord Primate;—that our "agreement in the high and necessary points of faith and obedience ought to be more effectual to unite us than our difference in opinions to divide us." Concerning which there is no need of my suffrage, for

Unity of Faith, pp. 16, &c., third edit. Lond. 1631. The words of the text are Chillingworth's, not Ussher's.]

[h] [Treat. of Grot. Relig.,] pref. sect. 5.

[i] [Ibid.]

[k] [Ibid.,] sect. 64. [p. 92.]

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it is just mine own way. My second demand in my proposition for peace was this,—that "the Creed or necessary points of faith might be reduced to what they were in the time of the four first œcumenical Councils, according to the decree of the third general Council (who dare say that the faith of the primitive Fathers was insufficient[l]?)" &c. I do profess to all the world, that the transforming of indifferent opinions into necessary articles of faith, hath been that "*insana laurus,*" or cursed bay-tree, the cause of all our brawling and contention[m]. Judge, reader, indifferently, what reason Mr. Baxter had to disallow my "terms of peace" (as he is pleased to call them) and allow Mr. Chillingworth's, when my terms are the very same which Mr. Chillingworth proposeth, and my Lord Primate before him, and King James before them both.

CHAP. VIII.

THE TRUE REASONS OF THE BISHOP'S ABATEMENT OF THE LAST FOUR HUNDRED YEARS' DETERMINATIONS.

[V. The errors and usurpations of the Church of Rome which compelled a breach between them and us, not more than four hundred years old.]

In his one and fortieth section he hath these words, "He[n] will not with Bishop Bramhall abate us the determinations of the last four hundred years, though, if he did, it would prove but a pitiful patch for the torn condition of the Church[o]." When I made that proposition that the Papists "would wave their last four hundred years' determinations," I did it with more serious deliberation than he bestowed upon his whole Grotian Religion—"Begun April 9, 1658," and "finished April 14, 1658."—My reason was, to control a common error 639
received by many, that those errors and usurpations of the Church of Rome, which made the breach between them and us, were much more ancient than in truth they were. What those errors and usurpations were, cannot be judged better than by our laws and statutes which were made and provided as remedies for them. I know they had begun some of their gross errors and usurpations long before that time, and some others not long before, but the most of them, and especially those which necessitated a separation, after that time.

[Some of her errors and usur-

Those errors and usurpations which were begun before that

[l] [Just Vindic., c. x. in vol. i. p. 279. Disc. ii. Pt. i.]

[m] [Ibid., c. vi. p. 196: from Plin., Nat. Hist., lib. xvi. c. 89.]

[n] [i. e. Grotius.]

[o] [Treat. of Grot. Relig.,] sect. 41. [p. 64.]

time, if they be rightly considered, were but the sinful and unjust actions of particular Popes and persons, and could not warrant a public separation from the Church of Rome. I deny not but that erroneous opinions in inferior points, rather *concerning* faith than *of* faith, and some sinful and unwarrantable practices, both in point of discipline and devotion, had crept into the Church of Rome before that time. But erroneous opinions may be and must be tolerated among Christians, so they be not opposite to the ancient Creed of the Church, nor obtruded upon others as necessary points of saving faith.

[pations of older date.]

Neither is any man bound or necessitated to join with other men in sinful and unwarrantable opinions or practices, until they be established and imposed necessarily upon all others by law. Whilst it was free for any man to give a fair interpretation of a harsh expression or action without incurring any danger, there was no necessity of separation. But when these tyrannical usurpations were justified by the decrees of Councils, and imposed upon Christians under pain of excommunication, when these erroneous opinions were made necessary articles of saving faith, "*extra quam non est salus*[p]"—"without which there is no salvation," when these sinful and unwarrantable practices were enjoined to all Christians, and when all these unjust usurpations, erroneous opinions, and sinful and unwarrantable practices, were made necessary conditions of communion with the Church of Rome, so that no man could communicate with the Roman Church but he that would submit to all these usurpations, believe all these erroneous opinions, and obey all their sinful injunctions, then there was an absolute necessity of separation. Then if any man inquire when and how this necessity was imposed upon Christians, I answer, all this was ratified and done altogether, or in a manner altogether, by "these last four hundred years' determinations," beginning with the Council of Lateran in the days of Innocent the Third, after the twelve hundredth year of Christ, when Transubstantiation was first defined[q], and ending with the Council of Trent. So, though these were not

[But not so obtruded until that time, as to compel separation.]

[A.D.1215.]

[A.D. 1545—1563.]

[p] [Bull. Pii IV. in Act. Concil. Trident., ap. Labb., Concil., tom. xiv. p. 946. B.]

[q] [Decret. Concil. Lateran. (A.D. 1215) c. 1; ap. Labb., Concil., tom. xi. p. 143. B. See the Answ. to La Millet., vol. i. p. 14. Disc. i. Pt. i.]

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my "terms of peace," but preparatory demands, yet, if these demands be granted, our "concord" would not only be "nearer" (which he acknowledgeth), but the peace almost as good as made, and Christians were freed from their unjust canons, and left to their former liberty. When they had granted so much, it were a shame for them to stick at a small remainder.

CHAP. IX.

AN ANSWER TO SUNDRY ASPERSIONS CAST BY MR. BAXTER UPON THE CHURCH OF ENGLAND.

[VI. Mr. Baxter's bitter invective against the Church of England.]

I HAVE done with all that concerneth myself in Mr. Baxter's Grotian Religion. But I find a bitter and groundless invective in him towards the conclusion of his treatise, wherein he laboureth to cast dirt upon his spiritual Mother the Church of England, which out of my just and common duty I cannot pass over in silence.

He saith, [sect.] 75, that this Grotian design in England was "destructive to godliness and the prosperity of the Churches[r]." What Churches doth he mean? By the laws of England civil and ecclesiastical we ought to have but one Church. It was never well with England since we had so many Churches and so many faiths. I am afraid those which he calls Churches were conventicles.

He proceedeth, that "it animated the impious haters of piety and common civility[s]." First he ought to have proved, that there was such a design in England, which he neither hath done nor ever will be able to do. That which never had any being but in his imagination, never had any efficacy but in his imagination. He addeth, that men were "hated for godliness' sake[t];"—that is (to express his sense truly), were restrained in their seditious and schismatical courses, which he styleth "godliness;"

"Fallit enim vitium specie virtutis et umbrâ[u];"—

and "troubled" and "suspended" and "driven out of the land, . . though most of them twenty for one were con-

[r] [Treat. of Grot. Relig. sect.] 75. p. [109.—"The Churches *here*," i. e. in England.]

[s] [Ibid.]

[t] [Ibid.]

[u] [Juv., xiv. 109.]

formists[x]." How? "Conformist" and yet persecuted? If this be not a contradiction, yet it is incredible, that so many men should be "silenced" and "suspended" every where without law. Certainly there was a law pretended. Certainly there was a law indeed, and that law made before they were either punished or ordained. I will put the right case fairly to Mr. Baxter, if he have any mind to determine it. Let him tell us who is to be blamed; he, that undertaketh an office of his own accord, which he cannot or will not discharge as the law enjoineth; or he, that executeth the law upon such as had voluntarily confirmed it by their own oaths or subscriptions or both.

He proceedeth, "that it was safer in all places that ever he knew, for men to live in [constant] swearing, cursing, drunkenness, . . than to have instructed a man's family, and restrained children and servants from dancing on the Lord's Day, and to have gone to the next parish to hear a sermon, when there was none at home[y]."

"Quicquid ostendat mihi sic incredulus odi[z]."

I am sorry to find so much gall where so much piety is professed. Who did ever forbid a man to "instruct" his own "family?"—let him but name one instance for his credit's sake;—or command any person to "dance upon the Lord's Day," or restrain a man from "going to the next parish to hear a sermon," if there was no more in it than he pretendeth? Here are I know not how many fallacies heaped together. No cause is put for a cause, and that which is respectively true for that which is absolutely true. No man was ever punished for "instructing his own family;" but it may be for holding unlawful conventicles, or for instructing them in seditious, schismatical, or heretical principles: nor for "going to the next parish to hear a sermon;" thousands did it daily and never suffered for it; but it may be for neglecting or deserting his own parish Church, and gadding up and down after non-conformists, or after persons justly suspended or deprived for heterodox doctrine, or labouring to introduce foreign discipline, without law, against

[x] [Treat. of Grot. Relig., sect. 75. p. 109.]

[y] [Ibid.]

[z] [Horat., A.P. 188.]

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law, and strange unknown forms of serving God, and administering His Holy Sacraments according to their own private phantasies: nor for "restraining their children or servants from dancing on the Lord's Day;" but it may be for taking upon them as busy bodies, and pragmatically controlling the acts of their sovereign prince and lawful superiors, which the laws of God and man, nature and nations, Church and kingdom, did allow, and for restraining the liberty of their fellow subjects, and seeking to introduce new law without a calling or beyond their calling, which the Church of God and kingdom of England never knew.

[Recreations on the Lord's Day not unlawful.]

If Mr. Baxter think, that no recreations of the body at all are lawful or may be permitted upon the Lord's Day, he may call himself a "Catholic" if he please, but he will find very few Churches of any communion whatsoever, old or new, reformed or unreformed, to bear him company.

[Even in the judgment of Churches of his own communion.]

No, no. Even among the Churches of his own communion, which he calleth "the holiest parts of the Church upon earth[a]," he will find none at all to join with him, except the Churches of New England and old England and Scotland, whereinto this opinion hath been creeping by degrees this last half century of years or somewhat more. Before that time even our greatest disciplinarians in England abhorred not private recreations, so they could practise them without scandal. And Calvin[b] himself disdained not to countenance and encourage the burghers of Geneva by his own presence and example at their public recreations, as bowling and shooting upon the Lord's Day after their devotions at Church were ended. In Germany, Switzerland, France, and the 641
Low Countries, all the Churches of his own communion do enjoy their recreations. And in sundry of them their prayers and sermons on the afternoon of the Lord's Day are but lately introduced, whereas formerly not the vulgar only, but the most eminent persons, did use to bestow the whole afternoon upon their recreations[c].

[a] [Treat. of Grot. Relig., sect. 7. pp. 15, 16.]

[b] ["Ut servis et operariis sua detur a labore remissio," is one purpose of the Christian Sabbath, accord. to Calvin, Instit. lib. ii. c. 8. § 32 (Op. tom. ix. p. 99. b); and compare his denunciation of a Judaical Sabbath, ibid. § 34 (p. 100. a, b).]

[c] [See Heylin's Hist. of the Sabbath, Pt. ii. c. 6. § 9, 10; and Hist. of the Presb., bk. xii. §§ 10, 11.]

DISCOURSE III. [Of dancing.]

But it may be his pick is not against recreations in general, but against dancing in particular. Indeed dancing was disliked at Geneva, not only upon the Lord's Days, but upon the other days of the week[d]; and if their manner of dancing there or any where else was so obscene, as hath been in use in former ages, in some places, not undeservedly. No man can be so absurd as to affirm all sorts of dancing to be unlawful, as Miriam's dance, and that of the virgins of Shiloh, and Jephtha's daughter, and David. There is no time for any thing that is absolutely unlawful; but there is "a time to dance." On the other side, it is as great an extreme, to affirm that all sorts of dances are lawful. Not only conscientious Christians, but even modest heathens, have disliked some sorts of dances[e]. And as there are some sorts of dances unlawful, so there may be great danger of abuse in the use of lawful dances. But where there is no lawful or direct prohibition either of God or man, we may advise a brother or a friend to beware of danger, but we have no authority to restrain him except he will of his own accord. As for the public dances of our youth on country greens, upon Sundays after the duties of the day were done, I see nothing in them but innocent, and agreeable to that under sort of people. But if any man out of prudence, or conscience, or scrupulosity, do disaffect them, either because they were sometimes used promiscuously, or for any other reasons, I think it easier to regulate those recreations which should be allowed, than to brawl about them perpetually until the end of the world.

[Exod. xv. 20.—Judg. xxi. 21; xi. 34.—2 Sam. vi. 14.] Eccles. iii. 4.

[Of the Book of Sports.]

Among all the imputations and aspersions, which were cast upon the government of our late dread sovereign King James, and King Charles, there was none that had more colour of truth, or found more applause among some sorts of persons, whose zeal exceeded their discretion, than their proclamations to tolerate public recreations upon the Lord's Day[f], though there was no law of God or man to prohibit them. The very truth is this.—King James making his progress through Lancashire about forty years since or more (a country at that

[A. D. 1618—A. D. 1659.]

[d] [See Bancroft, Survey, c. xxvi. pp. 312—314.]

[e] [Vide Cic., Pro Muren., c. 6.]

[f] [The Declaration concerning Lawful Sports to be used, setting forth the account above given of the occasion of its being issued, was first put forth by James I. May 24, 1618, and renewed by Charles Oct. 18, 1633.]

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time abounding with Papists and non-conformists), the country people preferred a petition to his Majesty, that whereas, after their hard weekly labours ended, they had evermore for time immemorial enjoyed the liberty to recreate themselves upon Sundays, of late some scrupulous ministers upon their own heads, without any law or lawful authority, did restrain them; therefore they humbly besought his Majesty to restore them to their ancient liberty. His Majesty, prudently weighing what advantage might be raised to the Protestant religion in those superstitious parts by his favourable condescension, granted their request, upon two conditions; first, that no such recreations should be used in time of Divine service or sermon either forenoon or afternoon; secondly, that none should enjoy that liberty but those who had been actually twice at the Church that day, both at morning and evening prayers. And by this prudent condescension, he gained the people from Popery to the Protestant religion[g]. The very making this objection the principal accusation against these two pious princes is an evident proof of the innocency of their reigns.

[Of preaching.]

He proceedeth,—"In some places it was much more dangerous for a minister to preach a lecture once or twice on the Lord's Day, or to expound the Catechism, than never to preach at all[h]." He must excuse us if we cannot give credit to what he saith. Never any man suffered any where in the Church of England simply for preaching, but it may be for preaching seditious sermons, or schismatical sermons, or heretical sermons, or for intruding himself into the sacred office of a preacher without lawful calling, or for some abuse of his function.

[John ii. 14—16.]

Even so the buyers and sellers might have pleaded, that they (innocent people) were whipped by Christ for furnishing

[2 Sam. vi. 6, 7.]

God's people with sacrifices. And Uzzah might have pleaded much better, that he lost his life for seeking to support the Ark of God from falling. Doth he think that we are such 642
silly birds to be catched with such empty chaff as this is? or not to be able to distinguish between an action and the obliquity of it? The Pharisee's prayer, the harlot's vow, the traitor's kiss, were commendable actions in general, as well as his preaching of lectures. But either the incapacity of the

[Luke xviii. 11.—Porv. vii. 14.—Luke xxii. 47, 48.]

[g] [See Collier, Ch. Hist., vol. ii. pp. 712, 758.]

[h] [Treat. of Grot. Relig., sect. 75. p. 109.—"to preach *a lecture, or twice* on the Lord's Day," &c.]

person, or a sinister intention, or a defective manner, or a contempt of lawful authority, might render, and did render, all these actions sinful and punishable. Apollos' watering is necessary, as well as Paul's planting, especially until the plants have taken good root. But after whole nations have been long radicated in Christianity, and have framed to themselves Liturgies and other books of devotion for the public and private worship of God, and Catechisms which comprehend all necessary and essential points of faith and all the parts of new obedience, to fancy that without weekly sermons all religion is extinct, is as much as to persuade us that no man can possibly write, except he have his master perpetually by him to hold his hand, or that a field cannot yield a good crop, except it be sown over and over again every month. Of the two, a private guide seemeth to be more necessary to a grounded Christian, than a public preacher.

[1 Cor. iii. 6.]

But if preachers shall not content themselves to sow the wheat over again, but shall sow tares above the wheat; if they shall seek to introduce new doctrines, new disciplines, and new forms of worship, by popular sermons, different from and destructive to those which are established by law; who can blame the magistrates, political and ecclesiastical, if they begin to look about them? A seditious orator is dangerous every where, but no where more than in the pulpit. Then blame not magistrates, if they punish seditious or schismatical preachers more than one who is no preacher. All laws, and all prudent magistrates, regard public dangers more than particular defects. Yet further, supposing them to be both faulty, the fault of a reader is *puræ negationis*, a mere omission of duty, extenuated many times by invincible necessity, but the fault of a seditious preacher is *puræ dispositionis*, a fault of a perverse disposition. Then he may cease to wonder why preachers are sometimes punished more for preaching ill than for being silent, and recal to his mind the practice of that prudent schoolmaster, who exacted but a single salary from such of his scholars as had never been taught, but a double salary from those who had been mistaught, because he must use double diligence with them, first to unteach them what they had learned amiss, and then to teach them.

[Matt. xiv. 25.]

I have much more respect for those poor readers, whom he

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mentioneth every where with contempt. I hope they may do, and many of them do, God good and acceptable service in His Church, and co-operate to the salvation of many Christian souls, by reading the Holy Scriptures, and the Liturgy and Homilies of the Church, and administering the Holy Sacraments. And I have heard wise men acknowledge, that if it had not been for these very readers, in the beginning of Queen Elizabeth's reign, when preaching was very rare, England had hardly been preserved, as it was, both from Popery and from atheism. Their very reading is a kind of preaching[i]; —"Moses of old time hath in every city them that preach him, being read in the synagogues every Sabbath day." And their reading of Homilies doth yet approach nearer to formal preaching. Or if it come short of preaching in point of efficacy, it hath the advantage of preaching in point of security. The private conceits of new-fangled preachers, by being vented publicly as the Word of God, have done much hurt, which the reading of public Homilies never did. Let not this apology for readers occasion him or any other man presently to condemn me for a loiterer in my calling; those who have known me will acquit me. Let this be considered and acknowledged, that as readers' talents are mean, so are their benefices. And this is the great comfort that they have, that they are below a sequestration. The fire of zeal, which driveth able scholars out of their great churches, never lights upon their little chapels. So the great flies are catched in their public nets, whilst the lesser pass through and through them without any danger or fear of being entangled.

Acts xv. 21.

[Mr. Baxter's impertinent railing against the Episcopal clergy.]

"*Nondum finitus Orestes*[j]."—His invective is not yet done.—"Hundreds of congregations had ministers that never preached, and such as were common drunkards, and openly ungodly[k]," &c. I know not how it comes to pass, that in this last age the pastors of churches have got the name of 643
"ministers," that is, servants or deacons, and they that are ministers or deacons indeed have got the name of ruling elders. Those whom he accounteth for no preachers, were

[i] [See Hooker, E. P., V. xix. 1; and Keble's note.]

[j] [Juv., i. 6.]

[k] [Treat. of Grot. Relig., sect. 75. p. 109.]

preachers in an inferior degree. And our canon provideth, that the meanest churches or chapels throughout England, which had cure of souls, should have formal sermons at least four times in every year[l]. If some "common drunkards" or "ungodly" persons were crept into the English Church, it is no wonder. Among the twelve Apostles there was one Judas. What may be expected among twelve thousand? This is just the manner of flies, to leave the whole body which is sound, and dwell continually upon one little sore. I have seldom observed, that ever any man who had a good cause, which would bear out itself, did make such impertinent objections as this, or fling dirt in the face of an adversary in the stead of weapons. He saith no more of the English Church than God by His holy Prophets hath said of His own Church; no more than may be justly retorted, and said of any Church in the world, even upon his Presbyterian Churches in particular, with as much (and much more) truth as it could ever be objected against the Church of England.

[The Episcopal clergy not inferior to the Non-conformists.]

He addeth,—"When yet the most learned, godly, powerful, painful, peaceable men, that durst not use the old ceremonies or the new, must be cast aside or driven away[m]," &c. Comparisons are odious. But such superlatives are incredible, and argue nothing but the writer's pride and partiality, and little regard to what he writeth. Let Mr. Baxter sum up into one catalogue all the non-conformists throughout the kingdom of England, ever since the beginning of the Reformation, who have been "cast aside or driven away" at any time, because they "durst not use the old ceremonies or the new," or rather because they found it advantageous to them to disuse them; I dare abate him all the rest of the kingdom, and only exhibit the martyrologies of London and the two Universities, or a list of those, who in these late intestine wars have been haled away to prisons, or chased away into banishment, by his own party, in these three places alone, or left to the merciless world to beg their bread, for no other crime than loyalty, and because they stood affected to the ancient rites and ceremonies of the Church of England; and they

[l] [Every Sunday, or in some cases once a month, by canons 45, 46, of 1603.]

[m] [Treat. of Grot. Relig., sect. 75. p. 109.]

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shall double them for number, and for learning, piety, industry, and the love of peace, exceed them incomparably: so as his party, which he glorieth so much in, will scarcely deserve to be named the same day. And if he compare their persecutions, the sufferings of his supposed confessors will appear to be but flea-bitings in comparison of theirs [n].

[The former suffered for faith, the latter for faction.]

But after all this, the greatest disparity remaineth yet untouched; that is, in the cause of their sufferings. The one suffered for faith and the other for faction [o]. If he had contented himself to have rested in positive expressions, of "learned" and pious and "peaceable," &c., he had had no answer to this particular from me but silence. It is the duty of a controvertist to examine the merits of the cause, not of the persons. But his superlative expressions did draw me unwillingly to do this right to the orthodox and genuine sons of the Church of England. I will add but one word more, that we have seen but little fruits of their peaceable dispositions hitherto, but the contrary, that they have made all places to become shambles of Christians. God grant, that we may find them more peaceable for the future.

[n] [See above p. 509. note z; and Walker's Attempt towards Recovering an Account of the Numbers and Sufferings of the Clergy of the Church of England, Heads of Colleges, Fellows, Scholars, &c., who were Sequestr'd, Harrass'd, &c., in the late times of the Grand Rebellion, Lond. fol. 1714. The purpose of this book was to refute Dr. Calamy, who had published in his Life of Baxter a list of non-conformists ejected in 1662, and contrasted their sufferings with those of the clergy during the rebellion; and its motto is the passage of Bramhall in the text; of which Walker affirms, that "understood of such non-conformists as had regular titles," &c., "it is much more than a truth, but taking in those who succeeded by sequestration and usurpation, and . . such others" (unfixed ministers, &c.), "as can only be said to have been silenced" (and assuming also, what Walker I suppose believed, that Bramhall was writing *after* 1662, instead of, as was really the case, three years previously to that time), "after this manner of reckoning the computation must be plainly wrong" (Pref. p. iii).]

[o] ["Strengthen the hands of our gracious sovereign, . . to cut off all such workers of iniquity, as turn religion into rebellion and *faith into faction*."—Prayer in the Service for the Restoration.]

NOTE.

[The account, given above p. 573, of the attachment of Grotius to the English Church, is supported by the following evidence.

1. So early as 1615, in a letter to Baron Gedeon a Boetselaer, then ambassador from the Dutch in France, Grotius has these words, —"*Ad ritus vero quod attinet, certum mihi est* λειτουργίαν *Anglicanam, item morem imponendi manus adolescentibus in Baptismi memoriam, autoritatem Episcoporum, presbyteria ex solis Pastoribus composita, multaque alia ejusmodi, satis congruere institutis vetustioris Ecclesiæ, a quibus in Galliâ et Belgio recessum negare non possumus*" (Epist. p. 21. Amst. fol. 1687).—And in the latter years of his life—(he died Aug. 28, 1645 : Bates, Vitæ Select. Viror. p. 427. Lond. 4to. 1681), —his language is even stronger; e. g. in a letter to Joh. Corvinus, Paris May 28, 1638,—"*In Angliâ vides quam bene processerit dogmatum noxiorum repurgatio, hâc maxime de causâ, quod qui id sanctissimum negotium procurandum suscepere, nihil admiserunt novi, nihil sui, sed ad meliora sæcula intentam habuere oculorum aciem*" (Epist. p. 434);— and in a letter to his brother William, Dec. 31, 1644,—"*Gaudeo perstare eum*" (Corvinus) "*in reverentiâ antiquitatis. Puto paucos esse tales inter Remonstrantes. Alioqui suaderem eis ut constituerent inter se quosdam in eminentiori gradu ut Episcopos, et ut ii* χειροθεσίαν *sumerent ab Archiepiscopo Hiberno*" (viz. Bramhall himself, as is most probable), "*qui ibi est; et ita ordinati ordinarent deinde Pastores cæteros*" (Epist. p. 975). The last two passages are quoted by Newton.—see below num. 5.

2. Barksdale, in his Memorials of H. Grotius, at the end of his translation of the De Jure Belli et Pacis, 8vo. Lond. 1654, quotes a letter sent to himself by a "learned man that had the honour to be acquainted with" Grotius "in France,"—in margin, "Mr. M. T., chaplain to the (then) English Embassadour, the truly noble Lord Scudamore,"—speaking of Grotius as "an approver of the Church of England, as most orderly reformed."—Quoted by Pierce; see the next paragraph.

3. In Pierce's reply to Baxter's Grotian Religion (The New Discoverer Discovered, by way of Answer to Mr. Baxter his pretended discovery of the Grotian Religion, 4to. Lond. 1659), c. i. sect. 5. pp. 12, 13, he says,—that "a person of great honour and of great

remark for his wisdom as well as for his great learning and moderation and the eminent employments he hath been in" (I suppose, Viscount Scudamore—see the second letter of Newton quoted below), "affirmed" in his "hearing, . . that 'being conversant with Grotius during his embassy in France, he took his time to ask Grotius, why he did not communicate with either party.' Grotius made him this answer, that 'with the Papists he could not, because he was not of their mind, with the Calvinists he could not (not onely because of his embassy from Swedeland, where they were not followers of Calvin, but also) because he was deterred by their pernicious doctrines of God's Decrees.' To this he added, that 'he would gladly communicate with the Church of England, if his condition of embassador would well permit,' expressing an ample approbation of our doctrine and discipline, as also heartily wishing to live and dye in that communion." The latter part of this, he adds, "will be attested by a reverend person of our Church, Mr. Matthias Turner" (apparently Lord Scudamore's chaplain—see below), "who was personally conversant with Grotius some years in France."—And a little further, —"Many are able to attest, that 'twas the last advice he thought it his duty to give his wife, that she would declare him to dye in that communion, in which he desired that she herself would still live. This she manifested accordingly, by coming on purpose to our Church at Sir Richard Brown's house (the King of England's resident then in France), where from the hands of Mr. Crowder she received the Sacrament of the Lord's Supper"—(in the margin, "of this Sir Thomas Darrel professeth himself an eye-witness, and that her two daughters received with her").—"And this immediately after her husband's death, as soon as reasons of state did cease to hinder."

4. Peter Grotius, the son, in his Dedication to Charles II. of his father's Theological Works (fol. Lond. 1679), speaks of his father's having "publicly declared by his writings his agreement" with the doctrine and discipline of the Church of England.—Quoted by Newton; see the next paragraph.

5. At the end of John Clark's translation of the De Veritate Relig. Christ., as corrected and illustrated with notes by John Le Clerc, pp. 330—335. 8vo. Lond. 1711, are four letters furnished by Le Clerc;—i. From Henry Newton (ambassador from Queen Anne to the Duke of Tuscany) to Peter Hieron. Barcellinus, Florent. 12 Cal. Maii 1706, quoting the letters of Grotius to Corvinus and to his brother and the dedication of Peter Grotius above cited, and another letter of Grotius to his brother of April 8, 1645, to the effect that "the English Liturgy was accounted the best by all learned men;" —ii. From Henry Newton to Le Clerc, Genoa 17 Cal. Feb. 1707,

quoting a letter of Viscount Scudamore (whilst ambassador from England to France) to Abp. Laud, dated Paris Oct. 24, 1638, and sent to Newton by Lord Somers, to this effect—"The next time I see ambassador Grotius I will not fail to perform your commands concerning him; certainly, my Lord, I am persuaded, that he doth unfeignedly and highly love and reverence your person and proceedings; body and soul he professeth himself to be for the Church of England, and giveth this judgment of it, that it is the likeliest to last of any Church this day in being;"—iii. From Francis Cholmondeley to Alex. Forrester, June 23, 1707, stating, that, "being very well acquainted with Doctor Crowder, he often told me with assurance, that it was the last advice this great man" (Grotius) "gave to his wife, as he thought it was his duty, that he declared he died in the communion of the Church of England, in which Church he wished her to live; this she discovered when she came on purpose to our Church (which was in the house of" [Sir] "Richard Brown, who was then in France upon the King of England's account), where she received the Sacrament of the Lord's Supper at the hands of Dr. Crowder, then chaplain to the Duke of York;"—and a little further,—"When Matthew Turner, a great friend of Grotius's, desired to know why he did not go over to the communion of the Church of England, he answered, that he would very willingly have done it, if the office of ambassador to Swedeland had not hindered it; otherwise he very highly approved of our doctrine and discipline and wished to live and die in our communion;"—iv. From the same to the same, Oct. 6, 1707,—"I lately told you very fully what I knew of the widow of that great man Hugo Grotius; afterwards I called to mind, that that pious and singular good man Sir Spencer Compton Knt., son to the Earl of Northampton, told me he was present when Grotius' widow profess'd this and received the Sacrament."—The last two authorities appear to be much the same as Mr. Pierce's.

The authentic account of the death of Grotius is given in a letter from Quistorpius, the Lutheran pastor of the village of Rostock, where Grotius died after a few hours' illness whilst travelling, and who was called to see him upon his death-bed;—see Bayle, Diction. art. Hugo Grotius, note H, and the letter itself in the Epistt. Eccles. et Theol., p. 828, fol. Amst. 1684: from whose account Grotius would appear to have declared his adherence in his last moments to no specific communion at all. The only inference from this is, that he had ceased to feel attached to the Lutheran body.

Burigny, in his Life of Grotius (bk. vi. p. 334. Eng. transl. 8vo. Lond. 1754), doubts the truth of the anecdote above given, relating to Grotius' advice to his wife, on the grounds, that "the fact is not easy to

be reconciled with his later works," and that it "has no foundation but a letter written June 23, 1707, which is supported only by a hearsay ill circumstantiated." The first assertion, however, seems to be neutralized by the letters of Grotius quoted above in paragraph 1; and the second is a mistake, as appears by the earlier authorities already cited for the story. He adds, further, that "Grotius' wife died at the Hague in the communion of the Remonstrants, which according to Le Clerc was not contrary to her husband's last orders, as the Remonstrants allowed of communion with the Church of England" (ibid.).]

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